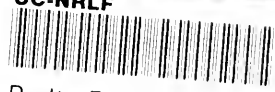


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THE INFLUENCE OF RECONSTRUCTION ON EDUCATION IN THE SOUTH

BY

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INFLUENCE OF RECONSTRUCTION ON EDUCATION IN THE SOUTH

INTRODUCTION

On no aspect of Reconstruction, probably, have more conflicting opinions been advanced than on its educational aspect. One very popular notion has been that Southern educational ideals were radically different from those of the North, and, in consequence, that the educational systems of the South were greatly at variance from those found elsewhere in the nation. "The Northern view of the situation, as shown by the various reports and addresses published by the teachers' associations, the Freedmen's Aid societies of the churches, the missionary societies, and the Freedmen's Bureau, may be summarized somewhat as follows: (1) The South had had no public education, was opposed to it, and such education as had been given was based on wrong principles and had resulted in secession, rebellion, etc.; (2) the poor whites were densely ignorant and this ignorance, exploited by unscrupulous leaders, had been made the basis of the Confederacy; (3) not only were the Southern leaders opposed to the general education of the white masses, but all classes were opposed to any education of the recently freed negroes; . . ."¹ Briefly stated, the views held by the South on these points were almost entirely opposite those held by the North.²

Whether fairly representative or not, these general opinions have led to the more definite question: What influence did the Reconstruction or "carpetbag" régime have on the development of educational systems in the South? Here again generalities have been indulged in. ". . . as for free public schools, not a single Southern State had organized and set in operation a system before the Civil War."³ Obviously, however, a satisfactory answer to the question of the influence of Reconstruction on education in the Southern States can be

¹ Fleming, *Documentary History of Reconstruction*, Vol. II, Chap. IX.

² *Ibid.*; also *Civil War and Reconstruction in Alabama*, by the same author, and Garner, *Reconstruction in Mississippi*, pp. 354 ff.

³ Hart, *The Southern South*, pp. 289, 290.

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found only by a detailed comparison of antebellum with reconstruction conditions. And this requires a clear differentiation both of the several periods between 1865 and 1876 and of the classes of men who took part in the formal restoration of the seceding states and in the work which followed.

The period of the Presidential Plan of Reconstruction, from 1865 to 1867, marks an attempt to enlist the coöperation of the native white citizens in restoring civil order in the South. Under the Congressional Plan, however, from 1867 to 1876, three classes instead of one, as in the Presidential Plan, participated in political affairs: the native whites, the negro freedmen, and men from the North. The native whites were sharply divided into conservatives and radicals or scalawags; the negroes were the most homogeneous, usually of the same mind and easily influenced; while the men from the North, commonly known as carpetbaggers, were, from the standpoint of the South, predominantly radical. The Reconstruction conventions and the legislative bodies from 1868 to 1876 were composed largely of negroes, carpetbaggers and scalawags, and the conservatives were in most cases in the minority.

For our purpose, then, two questions present themselves: First, What contribution was made during the years from 1868 to 1876 to public education in the South? Second, Who made the contribution? A knowledge of conditions before 1868 is necessary to answer the first question; to answer the second question it is necessary to know the composition of the conventions and legislatures and the work of these bodies. When these answers are found, the more general question, that of the actual influence of the period of Reconstruction on education in the South, will also be answered.

To study in detail the eleven seceding states proved a task too large for the present work. The intensive study has, accordingly, been limited to North Carolina and South Carolina. However, the detailed study of these two states will be supplemented by a comparison of legislation in the other nine states before 1868 and between 1868 and 1876. The intensive study of these two states and a general study of the remaining seceding states should furnish sufficient means for answering, at least with a fair degree of approximation, the question of the influence of the period of Reconstruction on Southern education.

CHAPTER I

PUBLIC SCHOOLS IN NORTH CAROLINA BEFORE THE CIVIL WAR

Provision was made in the initial constitution of North Carolina (1776) for the establishment of schools by the legislature and for a state university, and the same provision was continued in the revised constitution of 1835. The university was chartered in 1789 and organized six years later; but with this exception no legislation for public education was enacted for nearly forty years. In 1817, however, a committee was appointed in the legislature, with Judge Archibald D. Murphy as chairman, for the purpose of reporting on the subject of "affording the best means of education to everyone, however indigent."¹ This committee studied the schools of New England and the school systems of Europe,² and made a very suggestive report of their investigations.³ The result was the appointment of another committee to digest and report a plan for a system of public schools based on the principles outlined in the report of the Murphy Committee. The scheme as outlined by the second committee met the hearty approval of the General Assembly, but its impracticable feature—the attempt to "maintain as well as to educate" the children of the poor, and the fact that the state was yet very sparsely settled together with the burden of the War of 1812—proved the temporary failure of the project.⁴

But little attention was given to the subject of public schools during the next decade. The question of revising the constitution of 1776, which was showing itself ill-adapted to a community of growing democratic ideals, and a widespread interest

¹ House Journal, 1817-18, p. 14; Senate Journal, 1817-18, p. 8.

² Senate Jour., 1817-18, pp. 30-42.

³ *Ibid.*; the text of the Murphy Report is also given in Coon, Public Education in North Carolina, A Documentary History, Vol. I.

⁴ House and Senate Journals, 1817-18.

in national politics, almost completely overshadowed other matters; and internal improvements and public education received little consideration, except in the annual messages of the governors.⁵ In 1825, however, the legislature created a fund to be known as the Literary Fund, the income from which was designed for public school support. The sources of the fund were fixed by the initial act, its trustees were named and plans for the accumulation of moneys sufficient to undertake a system of schools were made.⁶ Slight changes were made in the law governing the fund from time to time until 1836, when the report of the governor placed the estimated value of the fund at \$242,045.09. A year later when Congress, by Act of June 23, 1836, distributed the surplus revenue, \$300,000.00 of the share of \$1,433,727.39 which North Carolina was entitled to receive was placed to the credit of the Literary Fund. Eventually the major portion of the North Carolina apportionment became a part of the fund for education.⁷ When the system of schools opened in 1840, the fund was estimated at more than two and a quarter millions of dollars.⁸

By 1838 conditions had changed considerably; the friends of education were numerous and active and for several years had been agitating a movement for public schools. Conditions were regarded as favorable to establishing a system of common schools, even though the children of the state were sparsely dispersed. It was believed, too, that resources were at hand and that the will and intelligence to apply such resources with liberality and discretion would end a long agitation and mark the beginning of a new era. The legislature asked the Literary Board in 1838 to report the exact condition of the Literary Fund and to suggest a plan for common schools "suited to the condition and resources of the state." The result was the passage on January 7, 1839, of an act establishing the first public school system in the state. The counties by this act were to be divided into districts, and the question of schools or no schools was to be submitted to the voice of the people of each county. A favor-

⁵ House and Senate Journals; Messages of the Governors.

⁶ Laws of 1825; House and Senate Journals.

⁷ Laws of 1836-37, 305; Revised Statutes 1837, p. 349, Laws of 1838-39. Reports of the Treasurer.

⁸ Governor's Message 1840; Treasurer's Report 1840.

able vote on the question meant a local tax levy of one half the amount to be received from the Literary Fund, and the schools thus established were to be under the control and supervision of county superintendents. A detailed, thorough-going plan was outlined by the act.⁹ Rarely had such enthusiasm been displayed as was seen in the work of that legislature on the school law. The election to ascertain the voice of the people in the several counties was called for August of the same year; and the majority of the counties adopted the scheme outlined by the law, approving the principle of supporting the schools by a combination of local taxation and state support.¹⁰

During the next few years the law was revised and supplemented with a view to improvement. Provision was made for redistricting the counties, for the election of county officials, for levying and collecting the school taxes, for taking the school census, for courses of study, and finally for a penalty for the neglect on the part of the county officials of any of their duties. By 1846 the school plan had been adopted in all the counties and the schools were growing in constant popularity. In 1852 the office of superintendent of public instruction was created and Dr. Calvin H. Wiley, a member of the legislature from Guilford County, was appointed to that position. It is interesting to note that this office was considered as a part of the general plan for a system in the General Assembly in 1838-39, and that the message of the governor nearly always urged the creation and filling of such an office.¹¹ Dr. Wiley was a Whig, but he was elected by a Democratic legislature, and throughout his entire incumbency (until 1866) some of his heartiest supporters were his political opponents.¹²

Under the direction of Superintendent Wiley the schools prospered. Almost every legislature until the close of the war

⁹ House and Senate Journals 1838-39; Laws of 1838-39.

¹⁰ The law seems to have failed in four counties in the western part of the state and in three in the eastern. There were 70 counties in the state at that time. See the *Raleigh Register* for Aug. 1839. Also, Coon, *Public Education in North Carolina*, Vol. I, xlvii.

¹¹ House Jour. 1838-39; Leg. Doc. 1846; Laws, 1852. Messages of the governors in Leg. Docs.

¹² Editorials in the *Standard*, and the *Charlotte Democrat*. Messages of the governors; Rept. Com. Educ., 1896-97, Vol. 2, p. 1433.

acted with a view to improving the schools. The influence of Mr. Wiley is everywhere apparent in the supplementary legislation.¹³ Each district was required to build a house that would accommodate as many as fifty pupils; the school census included all the white children of the state between the ages of five and twenty-one; each district had its local committeemen, who were required to report regularly to the county superintendents or other county officials, who in turn sent such reports to the Literary Board or to the superintendent of public instruction. The teachers were to be exempt from road, military, and jury duty. Provision was made from the very beginning for such counties as voted unfavorably on the question of schools, to have their quota of money from the Literary Fund invested for them, and they were entitled to it when they did decide in favor of schools. Free negroes were not to be taxed for the purpose of the common schools. A school visitor was appointed to visit and inspect the schools, and his expenses were paid by a tax levied by the counties for that purpose. The Literary Board or the superintendent was required to distribute an abstract of the school law among the counties with such forms and instructions "as are calculated to insure punctuality and system." County examiners were provided for and their certificates were required before a person could teach in the public schools. Certificates to the teachers were good for only one year and then only in those counties in which they were issued. The superintendent was to serve two years and his salary was fixed at \$1500 per annum. The annual income of the Literary Fund was to be distributed in the ratio of federal population.¹⁴

These were the essential provisions of the school law of the state from 1839 to 1861. In 1863 a movement was set on foot in the legislature to grade the schools and to provide for the training of teachers.¹⁵ Both matters were freely discussed in the meeting of the legislature during this year, and Governor Vance and practically all the members of the legislature were in favor of the bill providing for such improvements. But for the presence of the Union army at the time and for severe mili-

¹³ Chapter 7, Laws of 1840-41.

¹⁴ *Ibid.*

¹⁵ House and Senate Journals for 1863. Rept. Supt. Pub. Inst. 1863.

tary reverses the plans might have materialized. One half of the expenses of such teacher training as was proposed was to be paid by the counties, and one half by the Literary Fund. It was not until December 23, 1864, however, that a law was passed authorizing the grading of the schools.¹⁶

The history of the schools in North Carolina from 1852 until 1866 is little less than a history of the work of Superintendent Wiley. The absence of any effective supervision during the first few years of the system of schools made his task a peculiarly difficult one. From the imperfect reports found scattered here and there through the annual reports of the state officials, we see that the county officials were very negligent of their duties, despite the penalty for such negligence. Teachers were very scarce, poorly equipped, and migratory; and on account of the great diversity of habits among the people, uniformity was well nigh impossible. But from the very day Mr. Wiley entered office until he left it in 1866, school affairs improved. He worked incessantly; he canvassed the entire state and gave liberally of his own salary, with never a clerk even to aid him in a position burdened with the routine of exacting clerical duties; he organized the teachers of the state, wrote and edited many of his own texts, sought out the friends of education and enlisted the coöperation of all classes.¹⁷ Considering the conditions under which Mr. Wiley worked, the superintendency was very successful, and it must be agreed that North Carolina had a creditable system of common schools at the outbreak of the Civil War. Rev. S. S. Ashley, a native of Massachusetts, the first superintendent of public instruction under the Reconstruction régime, in his first report in 1869, said: "To within a recent period the provision made by this state for public schools was not only generous, but munificent. All circumstances considered, scarcely any sister state of the union surpassed North Carolina in this regard."¹⁸ Virginia, South Carolina, and Georgia sought to copy the educational example of North Carolina, and Dr. Wiley was invited to appear before

¹⁶ Act of Dec. 23, 1864.

¹⁷ Reports Supt. Pub. Inst. in Leg. Docs. from 1853 to 1860; see also Weeks, *Beginnings of the Common School System in North Carolina*, Rept. Com. Educ. 1896-97, Vol. 2, pp. 1431 ff.

¹⁸ Rept. Supt. Pub. Inst. 1869, p. 10.

the legislature of Georgia for the purpose of aiding that state in the improvement of its school system.¹⁹ According to Dr. Wiley's reports for these years the system in North Carolina was attracting the favorable attention of various sections. The school fund was as large as many of the funds of the New England and Northern States;²⁰ and in teachers' salaries and length of school²¹ term North Carolina challenged a favorable comparison with these states.²²

Much progress had been made in public education during the twenty years' operation of the common school system before 1860. A lively interest in local taxation for schools had been developed; the number of schools, of teachers, and of pupils had gradually increased and a marked improvement in the entire system was seen. The work accomplished by the Literary Fund and by local taxation is especially significant, when it is remembered that for every dollar of local taxes for schools, this fund furnished two dollars. From the table given below, it is seen that more than \$16,000.00 was collected in local school taxes in 1841, and that nearly \$50,000.00 was expended for schools in that year. In 1860, more than \$136,000.00 in local school taxes was collected.²³ The school population in this year was 186,174, and of this number 108,938 were in school.²⁴ The average school term for the entire state in 1860 was four months, and the average monthly salary of teachers was \$26.00.²⁵

¹⁹ Leg. Doc. No. 10, Session 1860-61; *North Carolina Journal of Education*, III, March, April, May and June, 1860.

²⁰ Swift, *Public Permanent School Funds in the United States*, pp. 193, 304.

²¹ *Ibid.*, p. 193; Leg. Doc. 1858-59, No. 10, pp. 7, 10.

²² In 1855, Massachusetts was paying male teachers \$43.05 and female teachers \$18.52 per month; Maine was paying male teachers in the same year \$20.57 and female teachers \$7.60; Indiana was paying male teachers \$23.76 and female teachers \$16.84. In 1847 New York paid male teachers an average salary of \$14.96 and female teachers \$6.92. The school fund of Massachusetts in 1845 was only \$789,389. The school fund in North Carolina in 1840 amounted to more than \$2,225,000, and the average salary in North Carolina in 1859 was \$28. (See Rept. Com. Educ. 1896-97, Vol. 2, p. 1420; Swift, *Public Permanent School Funds*, pp. 193, 304; Rept. Supt. of Pub. Inst. of North Carolina, 1859.)

²³ Leg. Doc. No. 5, 1874-75, p. 4.

²⁴ Rept. Supt. Pub. Inst. 1860.

²⁵ Leg. Doc. No. 5, 1874-75. In 1859 the average salary was \$28.00.

The number of common schools actually taught in 79 counties in the state in 1860 was 2834, and for the support of those schools the chairmen of the boards of county superintendents of the state received from the Literary Fund and from local taxation more than \$408,000.²⁶

The table below will furnish an idea of the size and work of the Literary Fund for nineteen years beginning with 1841, the first full year of the operation of the school law of 1839.²⁷

YEAR	INCOME	DISBURSE- MENTS	FOR SCHOOLS
1841	\$121,613.02	\$ 92,655.67	\$ 32,836.12
1842	101,323.48	150,289.59	65,297.24
1843	135,453.45	130,407.76	46,424.92
1844	123,009.06	121,722.65	117,897.10
1845	112,246.24	64,362.51	61,566.01
1846	116,431.93	101,325.73	96,712.01
1847	122,556.47	106,830.81	96,511.31
1848	108,342.21	115,174.81	101,530.04
1849	105,388.29	116,893.42	99,449.38
1850	106,301.40	112,816.28	107,339.00
1851	129,255.24	94,596.41	81,329.61
1852	137,380.41	161,472.33	144,351.13
1853	192,250.75	139,865.16	120,545.63
1854	196,090.25	169,983.32	153,736.79
1855	146,753.35	202,689.50	82,688.88
1856	183,073.00	193,976.09	177,479.02
1857	278,767.87	300,528.53	180,751.38
1858	164,188.44	204,674.28	179,087.48
1859	158,442.04	209,156.08	172,051.69

The schools continued throughout the larger portion of the war. Dr. Wiley, in a speech before the State Educational Association in 1874, stated that he was receiving school reports from local school officials when Johnson surrendered.²⁸ In 1861, the state distributed \$278,000.00 for the training of 150,000 children in schools continuing four months taught by teachers, whose average salary was \$26.00 per month.²⁹ In 1862, nearly

²⁶ *Ibid.*

²⁷ Reports of the Literary Board and Comptroller's reports for these years.

²⁸ Report, 1874-75, p. 37.

²⁹ Rept. Supt. Pub. Inst. 1860-61.

90,000 children were reported in the common schools in the state. In 1863, 60 counties made partial reports of school conditions to the superintendent of public instruction, and in 50 of these counties 1076 schools had been in operation, 872 teachers had been licensed, and 35,495 children were attending school three months. The average salary paid the teachers was \$25.00.³⁰ School teachers were not exempt from conscription in the state, however, and there was a great and urgent demand for them. The law of December 23, 1863, authorizing the grading of the schools, is perhaps not so significant in itself, except that it shows that the schools were being guarded as well as conditions would allow; but incorporated in the act was a provision that nothing except the want of funds should diminish the appropriations of the Literary Fund to the schools, and that such appropriations, together with the local taxes for schools, levied and collected under the laws of the state, should be applied to schools as formerly. This gives some idea that there was a wholesome educational spirit in the state; and that the rights of the schools were considered sacred rights, this last legislative act of the state before the fall of the Confederacy is evidence. The last report of Superintendent Wiley was dated January 18, 1866. It contains, however, few statistics of value in regard to the schools.³¹ Mr. Wiley remained in office until the passage of an ordinance, October 19, 1865, in the Constitutional Convention, which declared vacant all offices of the state in existence on April 26 of that year.³² The Literary Fund had remained untouched for military purposes throughout the war; but Confederate investments had been encouraged. A temporary security of that part of the fund already in Confederate investments was made when it was changed to bank stock. Here it seemed reasonably safe; but the banks themselves had invested heavily in Confederate securities, and in the wreck which came to the banking system of the state at the close of the war, the Literary Fund was lost.³³

³⁰ Rept. Supt. Pub. Inst. 1863, pp. 3 ff.; Table 1.

³¹ Leg. Doc. No. 47, Session 1865-66.

³² Ordinances, pp. 25-26.

³³ Rept. Supt. Pub. Inst.

To summarize: The law of 1839 and its revisions made creditable provisions for public education. State, county, and local administrative organizations were well provided for and the plan of school support proved not only well adapted to conditions, but very popular and efficient. The Literary Fund stimulated a healthy sentiment in favor of local taxation, which was rapidly on the increase at the outbreak of the war. At that time more than \$136,000 was collected in local taxes for school support; and twice that amount was paid by the Literary Fund. More than 108,000 of the entire school population of 186,174 were in school in 1860. The average school term was about 80 days, and the average monthly salaries of teachers between \$26 and \$28. The comment of Superintendent Ashley, in 1869, that North Carolina's provision for education was munificent and scarcely any state surpassed North Carolina in this regard seems unquestionably true.

CHAPTER II

THE BEGINNINGS OF RECONSTRUCTION; CONSTITUTION OF 1868 AND THE FIRST SCHOOL LAW

The appointment of a provisional governor in North Carolina in May, 1865, marked the beginning of the Executive Plan of Reconstruction. Mr. W. W. Holden, whom President Johnson appointed, was instructed to call a convention for the purpose of altering the constitution of the state in such a way that the relations of the state with the Federal Government would be re-established. Only those who had previously taken the oath of amnesty, as set forth in the proclamation of the President of May 29, 1865, could qualify as electors or as members of the convention. The election was held and the convention met October 2, adjourning October 20 to meet again in May, 1866. It was composed largely of men who had been opposed to secession.¹ The convention abolished slavery, repudiated the war debt, and declared the Secession Ordinances null and void. The General Assembly met in November, 1865. It concerned itself but little with acts of general legislation, not being sure that its acts would be regarded as valid. The body adjourned to meet again in February, at which session about the only act of significance passed was an act to abolish the office of superintendent of public instruction and the office of treasurer of the Literary Fund.²

This law was passed in March, 1866. The arguments in the discussions of the proposed law were by no means unanswerable. The Literary Fund was indeed inadequate to maintain a system of public schools, a large part of that valuable source of support having been lost, and the people of the state, moreover, being poor as a result of the war. To certain members of

¹ Hamilton, *Reconstruction in North Carolina*, pp. 111 ff.

² Act of March 10, 1866.

the legislature, however, it looked inexpedient and well nigh impossible to support a system of schools; to others the schools had accomplished much good and should in some fashion be continued. Efforts were even made by the friends of the system to get appropriations for the schools, but such efforts failed.³ Yet it does not appear that any members of the legislature were directly hostile to the school system. Less than a month before, that body had, by resolution, appropriated \$7000 to relieve the state university of temporary embarrassment. Many of the members who voted for this appropriation, however, voted for the bill to abolish the office of state superintendent, and to abandon the schools. But they seemed to see no well-defined plan to continue the schools except by taxation, a method which the people of the state in their poverty-stricken condition could ill afford.⁴

The legislature was almost unanimous in favoring schools if they could be supported. There did appear, however, some objection to Mr. Wiley, the superintendent; and in all the debates on the bill before the General Assembly at this time, nothing was quite so strangely severe as some remarks against him. This dislike for Mr. Wiley appeared as the result of a report which he had made on the swamp lands which were property of the Literary Fund. The report urged the argument that these lands should be surveyed and drained and entries made in order that the Literary Fund might profit by their returns. There was a mild suggestion in the report that those who had had supervision of these lands had been negligent of their duty. There was evidence that members of the legislature from the eastern part of the state where these lands were situated had been offended.⁵ The remarks of one member were particularly bitter; the office of state superintendent was, in his opinion, an unnecessary expense; a salary of \$1500 had been paid that officer for years and he had been of no use on "God Almighty's earth and the state was unable to pay a salary to a man who merely wrote long essays and drew interminable bills."⁶ Opposition and objection to Mr. Wiley were

³ House and Senate Journals, 1866.

⁴ House and Senate Journals; *Sentinel* for March 10, 1866.

⁵ Rept. Supt. Pub. Inst. 1865.

⁶ *Sentinel* for March 10, 1866.

interpreted by those members who favored an attempt to continue the schools as objections to the schools themselves. It was even suggested that this opposition originated with the finance committee, who wished to divert the Literary Fund to other purposes. There was also a feeling that the remaining funds of the Literary Board could be used to much advantage by the state government.⁷ This had a tendency to exaggerate the bankrupt condition of the state's finances which, added to the objection to Mr. Wiley, probably explains in a certain measure the strange action of this legislature.

Whatever the explanation, however, this legislative action was most unusual and highly inconsistent with the former policies of the General Assembly. There was, to be sure, everywhere a feeling of uncertainty; there was a lack of funds; the financial condition of the state government was deplorable. But that the state which probably held the leadership in antebellum educational effort should in a time of uncertainty deliberately abandon her schools, transferring all the assets of the school fund to the general treasury of the state, and leaving all matters of educational concern in local hands, whose powers were both permissive and discretionary, was no less censurable than unusual. Besides, it was a striking contrast to the work of the law-making bodies under provisional governments in some of the other Southern States.⁸

Governor Worth, who had defeated Provisional Governor Holden in the fall election of 1865, was re-elected by a large majority in 1866. The state government was not recognized by the Federal government, however, and political, economic, and social conditions were alarming. The agitation of the "rebel question" in Congress, the congressional investigations looking for a safe plan to pursue in dealing with the Southern States, and the passage of reconstruction legislation, each had its peculiar influence.⁹ There was no time to be given to matters

⁷ The state had borrowed \$128,000 from this fund in April, 1863; this amount was paid with interest in full in October, 1869. See Auditor's Report 1868-69.

⁸ In Arkansas and Georgia the school laws passed in 1866 and 1867 were very advanced and made efficient provisions for creditable systems of schools. See Georgia Laws of 1866, pp. 58, ff; Act of March 18, 1867, of Arkansas.

⁹ Hamilton, *Reconstruction in North Carolina*, pp. 122 ff; also Chapter IV.

of educational concern, for nothing could be done until the political and civil status of the state had been determined upon. Enough of the Southern States had rejected the Fourteenth Amendment when Congress met in December, 1866, to indicate the prevailing opinion. The following February it became known that the state governments as organized by the President would be superseded by military governments and that the suffrage would be extended to the freedmen, despite any state constitutional provisions to the contrary. North Carolina along with South Carolina was put in the second military district, under General David E. Sickles, who was succeeded a little later by General Canby.

In November, 1867, a convention for the purpose of revising the constitution of the state in accordance with the Congressional Plan of Reconstruction was called. The conservatives had opposed a convention; they made it a point to register, however, but to fail to vote on the question of a convention and in this manner defeat the plan. A majority of votes actually cast was finally declared to be sufficient to make the election valid, and the convention was accordingly voted and met January 14, 1868.¹⁰ Its composition is interesting. Of a membership of 120, 107 were radicals, and of these there were 16 carpetbaggers¹¹ and 13 negroes. Many of the carpetbaggers had been officers in the Union Army. The committee on education was appointed January 20 as soon as the preliminary work of organization could be disposed of. It consisted of 13 members, only two of whom were conservatives. Rev. S. S. Ashley, of Massachusetts, who was afterwards elected the first superintendent of public instruction under the new régime, was made chairman.¹² There were also several negroes on this committee. The report was signed by all the members of the committee except the two conservative members, J. W. Graham and I. R. Ellis, and was in the end substantially incorporated as article

¹⁰ *Ibid.*, pp. 227, 228, 229 ff.

¹¹ "Carpetbagger" was the name applied to Northern men who went to the South to live after the war. They were charged with exploiting the people and seeking private gain.

¹² It was said that Ashley was of negro blood. See Hamilton, *Reconstruction in North Carolina*, bottom of p. 229.

nine of the constitution of 1868.¹³ The first section of the report was adopted at once.¹⁴ Mr. Durham, a conservative member of the convention, offered an additional section to the report of the committee as follows: "The General Assembly shall provide separate and distinct schools, for the black children of the state, from those provided for white children." The chairman of the committee, Ashley, immediately offered the following as an amendment to Mr. Durham's proposed section: "It being understood that this section is not offered in sincerity or because there is no necessity for it, that it is proposed for the sole purpose of breeding prejudice and bringing about a political re-enslavement of the colored races." After some discussion the previous question was called and sustained, the amendment of Chairman Ashley was adopted, and the new section as amended, proposed by Mr. Durham, was rejected by a vote of 86 to 11.¹⁵ Two or three sections of the report were then adopted.¹⁵ Many of the sections were adopted as they were offered by the committee with slight verbal changes.¹⁷ One of the two conservative members on the committee, Mr. Graham, offered the following amendment to one section: "Provided, That there shall be separate and distinct schools and colleges for the white and colored race." Thereupon, A. W. Tourgee, of Ohio, a radical member of the convention, offered the following as a substitute to Graham's amendment: "That separate and distinct schools may be provided for any class of citizens in the state: Provided, that in all cases where distinct schools shall be established, there shall be as ample and complete facilities afforded for the one class as for the other, and entirely adequate for all, and in all districts where schools are divided, the apportionment to each shall be equal."¹⁸ Both the amendments and the substitute were rejected. The entire report, as amended, passed the final reading by a vote of 88 to 12.¹⁹ There had been few changes made in the original report,

¹³ Conv. Jour., pp. 338-341; constitution of 1868.

¹⁴ Conv. Jour. p. 341.

¹⁵ *Ibid.*, p. 342.

¹⁶ *Ibid.*

¹⁷ *Ibid.*, pp. 342, 343.

¹⁸ *Ibid.*, p. 343.

¹⁹ *Ibid.*

and it was placed in the constitution as article nine. The constitution was signed by all the members of the convention except the conservatives, and was ratified by the people of the state, April 21, 22, and 23, 1868. Out of a registration of 196,876 voters, 93,086 voted for the constitution, 74,016 against it, and 29,774 failed to vote.²⁰

The state now had very ample constitutional provision for schools; its provisions were mandatory and more thorough than ever before: "The General Assembly at its first meeting under the constitution shall provide by taxation and otherwise for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the state, between the ages of six and twenty-one."²¹ A special session of the legislature was called for July, 1868. The committee on education was appointed July 7.²² The chairman of the committee was Rev. G. W. Welker, of Pennsylvania; he had been a member of the committee on education in the constitutional convention, and proved a moving spirit in the passage of the law in the legislature. The House committee was appointed July 9;²³ some of its members had also been in the convention. Little more than the appointment of these committees was done in this special session; a few resolutions were introduced regarding the Literary Fund, but beyond this nothing of an educational character took place.²⁴ It was not until January of the regular session that the committee on education became active. And as the law was then finally enacted it was almost entirely a production of the Senate.

The message of the governor was read to the legislature November 17, 1868, when that body convened. The executive recommended that there should be established at once a general and uniform system of free schools; that separate schools should be provided for the two races; "but in other respects there should be no difference in the character of the schools, or in the provision made to support them." Under the constitution three-fourths of the proceeds of the entire county and state

²⁰ Hamilton, *Reconstruction in North Carolina*, p. 259.

²¹ Article IX, Sec. 2.

²² Senate Jour., p. 37.

²³ House Jour., p. 36.

²⁴ *Ibid.*, pp. 24, 25, 31, 50, 54.

capitation tax was to be applied to education. But the constitution was silent on the subject of mixed schools, even though that matter had been given some consideration in the convention.²⁵ And it is very clear that the failure to incorporate in it a provision either for or against mixed schools²⁷ produced a sentiment in the state that afterwards proved very harmful.²⁸ It also caused some very undignified scenes in the legislature in 1869.²⁹

The bill for schools was introduced in the Senate in January.³⁰ From this time until it had passed both Houses and was ratified by joint conference nearly three months later, the chairman of the committee worked for it very diligently and with much enthusiasm. The bill was read first and referred to the committee on education January 27, 1869. It had been reported favorably in the House by February 11, was returned to the Senate the following day and consideration of it in that division of the legislature was made a special order for February 17,³¹ when it was discussed very thoroughly.³² Amendments providing that "textbooks and all publications prescribed and used in the public schools should be free from sectarian and denominational and partisan bias in religion and politics," were suggested, and in studies pertaining to the government of the United States and that of the state, instruction should be with a view to creating that sentiment which would foster a love for the perpetual union of the states.³³ It was possible to pass in the Senate several sections of the bill toward the last of February. A motion was made at this time, however, to amend one section by inserting a provision for separate schools for the white and colored races. On a call for the yeas and nays, the amendment prevailed by a vote of 24 to 6, the six opposing being radicals. Many of the sections of the bill underwent some

²⁵ House Jour., pp. 11, 13.

²⁶ Conv. Jour., pp. 175, 287, 342, 343.

²⁷ The law of this session provided, however, for separate schools. Section 50, Chapter 84, Laws, 1868-69.

²⁸ Senate Jour., pp. 359-361; 388; Peabody Proc., Vol. II, p. 101.

²⁹ Senate Jour., pp. 359-361.

³⁰ *Ibid.*, p. 197.

³¹ *Ibid.*

³² *Ibid.*, pp. 300 ff.

³³ *Ibid.*, p. 302.

revisions, proceeding gradually through the slow process of legislation. Time after time the arguments grew heated over questions on which the conservatives and radicals naturally differed. As a rule the conservatives seemed anxious that definite provisions be made for such matters as different schools for the two races, white teachers for negro schools, or negro teachers in schools where there were white children.³⁴ They were also afraid that certain subjects, which were offensive to the native whites of the state, would be required in the course of study to be prescribed in the law.³⁵ In this connection a conservative from Jackson County offered an amendment which would prevent the teaching of certain sentiments, particularly that which was embodied "in that well known song, 'John Brown's Soul is Marching Along.'" The chairman ruled, however, that his amendment was not in order and Mr. Love appealed from the chair. The appeal was agreed to, but the ruling of the chairman was sustained by a vote of 38 to one, Mr. Love dissenting. He immediately moved, however, to amend the section under discussion by a provision that committees of schools should never employ any colored tutor, male or female, to serve as such, in any school wherein white children were to be instructed.³⁷ His amendment was amended by a provision that no white tutor should serve in any school wherein colored children were to be instructed. The amendment to the amendment was adopted by a vote of 28 to 11, when a motion was made to amend it by adding "That no white democrat should teach any colored girl." The president ruled this out of order.³⁸ Mr. Love's amendment, the amendment to which was adopted, was now rejected by a vote of 21 to 19. The representative from Jackson, however, on March 3, was before the body again, and on the same subject. This time his suggested provision was that "No colored tutor or tutoress shall ever be engaged in any school wherein white children are to be taught." Mr. Moore, of Carteret, a member from that county, but not a native of the state, moved to amend the

³⁴ Senate Jour., pp. 359, 360, 361, 388.

³⁵ *Ibid.*, p. 359.

³⁶ *Ibid.*

³⁷ *Ibid.*, p. 361.

³⁸ *Ibid.*, p. 361.

amendment by adding: "Nor any white tutor or tutoress wherein colored children are to be taught."³⁹ Mr. Moore moved the previous question and it prevailed. Moore's amendment was adopted by a vote of 19 to 15, and Love's amendment as amended, was rejected by a vote of 19 to 15.⁴⁰

By March 11, the bill was ready for its third reading in the Senate, but attempts to postpone it delayed it for several days. On the date set a week later for its consideration, Welker offered a substitute for some portion of it; the Senate refused to excuse Love and another conservative for their refusal to vote on the adoption of the substitute. The question before the Senate being on the passage of the bill, as amended, in its third and final reading, the Senate gave Love permission to explain his action on the adoption of the substitute. An unusual amount of quibbling over parliamentary procedure had already taken place on this point. When Love began to explain, Mr. Moore, the gentleman from Carteret, whom he had encountered many times already in the discussions of the education bill, arose to a point of order and stated that the gentleman from Jackson was doing everything else except explaining. Love immediately reported that the gentleman from Carteret was not interested in the affairs of the people of North Carolina, that he knew nothing of them, and besides he was a carpetbagger. A duel of words took place. The encounter grew so fierce that the chairman had to rebuke the Senators and appoint a committee to investigate the case. The committee, however, never reported.⁴¹

The bill reached its final reading and was passed in the Senate by a vote of 30 to 10, March 17, 1869.⁴² Three days later it was received in the regular order of business in the House, where some minor verbal changes were suggested to the com-

³⁹ Senate Jour., p. 388.

⁴⁰ *Ibid.*, pp. 383 ff.

⁴¹ When Love called Moore a carpetbagger, accusing him of lack of interest in the affairs of the people of the state, Moore replied that the gentleman from Jackson was a liar. Love replied that Moore was not an ordinary liar, but a damned liar. His final thrust at the "gentleman from Carteret" was even more unbecoming to a gentleman of senatorial rank. Senate Jour., p. 432.

⁴² Senate Jour., pp. 482, 483.

mittee on education. The law, however, was almost entirely the work of the Senate. In the House the bill was little discussed, except the section on compulsory attendance.⁴³ The bill was finally ratified, as amended, by joint conference April 12, 1869.

The law was definite and thorough. It provided for the establishment and the maintenance in each township of schools "for at least four months in every year," for the education of all children in the state between the ages of six and twenty-one years.⁴⁴ On this particular point the law was especially definite. In case any township failed to make such provision or any "other provision necessary for the efficiency and success of the schools," an estimate of the necessary expenses for continuing the schools for this period was to be made by the local officials and sent to the county commissioners, who should levy on the township a tax equal to the estimate at the same time and in the same manner that the regular county taxes were levied.⁴⁵ The law thus definitely prescribed the manner in which schools were to be maintained. The constitution provided, also, that county commissioners failing to comply with this requirement were liable to indictment.⁴⁶

The constitutional provision for the support of schools was seventy-five per cent of the county and state capitation taxes.⁴⁷ The legislature of 1869, however, in order to supplement the funds coming from the capitation taxes and whatever income there might be from the invested funds of the old Literary Fund, in order that the schools might be able to continue for a period of four months, appropriated one hundred thousand dollars "out of any moneys in the Treasury not appropriated otherwise."⁴⁸ This, on the surface, would indicate a liberal legislative policy such as had not before this time been seen in the state, with reference particularly to matters of educational concern. The same legislative liberality is found in other Southern States at this time, especially in Virginia and South

⁴³ House Jour., pp. 446, 482, 498, 504-515.

⁴⁴ Chapter 184, Sec. 15.

⁴⁵ Sections 25, 29.

⁴⁶ Art. IX, Sec. 3.

⁴⁷ Art. V, Sec. 2.

⁴⁸ Chapter 184, Sec. 53.

Carolina. But the handsome sums appropriated were usually little more than "paper" appropriations, and were rarely ever paid in full. It has been a popular notion that the reconstruction legislatures made by such liberal support of schools significant contributions to education in the South. But a comparison of appropriation legislation and the annual reports of the treasurers is sufficient to explode such a theory.⁴⁹ No trace of the full payment of this particular appropriation in North Carolina can be found in either the reports of the treasurer or of the auditor. The only extra state aid to public education or to educational institutions during this period seems to have been for the Deaf, Dumb and Blind Institution and for the University of the state;⁵⁰ and it was not until 1899 that the public schools of the state received any legislative appropriations from the general treasury.⁵¹ One of the sources for the support of public schools for the year ending September 30, 1871, however, was an item of \$92,976.04, under the words "special appropriation for schools."⁵² But this amount was collected under "An act to raise revenue, ratified March 28, 1870, special tax 1-12 of 1 per cent on taxable property of the state, for the support of the public schools of the state."⁵³ Of this amount only \$22,905.82 was collected between the passage of the law in March and the report of the Treasurer in September, 1870;⁵⁴ \$70,070.22 was paid into the Treasury during the fiscal year ending September 30, 1871.⁵⁵ The total amount of capitation taxes collected for the support of the public schools for the year ending September 30, 1870, was \$136,076.92.⁵⁶

⁴⁹ Dunning, *Reconstruction Political and Economic*, p. 206: "One of the largest items in the budgets of reconstruction was the schools."

⁵⁰ Chap. 15, Laws of 1869-70; Chap. 138, Laws of 1870-71; Chap. 98, Laws 1871-72; Chaps. 59, 124, and 135, Laws of 1872-73; Chap. 59, Laws of 1873-74; Chap. 104, Laws of 1874-75; Chaps. 236 and 252, Laws of 1874-75, donation of the State University of land script fund and unclaimed dividends declared by corporations, etc.

⁵¹ Laws of 1899, Chap. 637.

⁵² Rept. Supt. Pub. Inst., p. 15.

⁵³ Auditor's Report, p. 29.

⁵⁴ Auditor's Report, p. 37.

⁵⁵ Treasurer's Report, 1870, p. 29.

⁵⁶ Auditor's Report, p. 6.

But only \$38,981.86 was paid to the public schools during this year.⁵⁷

In all respects this law was much like the law of 1839. It defined the board of education and its duties, gave directions for the distribution of the school funds, for the election of the local school officials, provided for a county examiner, for the certification of teachers, and for separate schools; prescribed penalties for neglect of duty on the part of the school committees, made provision for the arrangement of the course of instruction, for the length of the school day, named the qualifications of teachers, and defined the duties of the state superintendent. The entire details of a general system of public instruction were carefully incorporated in this new school legislation. Practically all these features were prominent in the former law and its revisions. The essential difference between the two laws, however, lay in the provisions for negro education, for support and for a definitely prescribed term. In the law of 1839, the provision for support of the schools was permissive in character; local option was given to the counties. The schools were maintained by a combination of local taxation and state support from the proceeds of the Literary Fund. But this method was not ill-adapted to the state, and the readiness with which the majority of the counties adopted the scheme in 1839 proved its popularity. The law of 1869, on the other hand, provided for a uniform system of state and county taxation. The former law prescribed no definite term which the schools were required to continue. The law of 1869 prescribed a four months' term, and the local authorities were liable to indictment if provisions were not made for such a term. But the average school term for the entire state in 1860 shows a favorable comparison with the average as late as 1900.⁵⁸

⁵⁷ *Ibid.*, p. 26.

⁵⁸ See p. 49, below.

CHAPTER III

THE SCHOOLS OF NORTH CAROLINA FROM 1869 TO 1876

The elaborate constitutional and legislative provisions for public schools, enacted in 1868 and 1869, served well as the framework for a system of education for the children for both races. From this point of view, the work of the convention and of the legislature had been admirably done. The new system, however, had peculiar obstacles to encounter from the outset. First of all, there was an apparent lack of genuine interest in education, although the opinion that schools were to be universal was fast gaining ground.¹ To be sure, men of all political beliefs who until this time had rarely coöperated in other matters, met together, considered and acted on the subject of schools "with singular unanimity."² The discouraging circumstances were more the result of the inexperience that came from the new order of things, of ignorance or of prejudice; and the actual objections made to schools were practical rather than theoretical. This was the essential difference between the objections made in the "agitation period" in the twenties and thirties and those registered just after the war.³ Another obstacle the new system had to face was the new status of the negro. He had been given a place in politics very suddenly. The Freedmen's Bureau was disbursing its fund carelessly for his education; school officials, from the local committeemen through to the state superintendent, were often foreign in their sympathies and guided by questionable political motives or visionary missionary zeal to raise the freedman to a place of universal brotherhood, politically and socially. Power had

¹ Peabody Proc., Vol. I, p. 80.

² *Ibid.*, p. 86.

³ *Raleigh Register*, Nov. 9, 1829, letter signed "X," giving objections to schools.

been radically transferred to him under the new régime.⁴ The possibility, under the constitution, of forcing its schools on the people produced a constant dread, though the fear was not so pronounced as it was in some of the other states. If there had been any prevailing prejudice against such a system, surely the prejudice would naturally have been strengthened by the fact that school boards might introduce mixed schools. And this was indeed a consideration of much weight.⁵

In August, 1869, the superintendent believed that a few schools would be in operation in October of that year and that there would be schools in many places by January, 1870.⁶ The taxes for schools had to be collected, but they would be in by November, 1869. Owing to the fact that new school houses had to be built, some of the townships might not be able to open until the following year. It was believed that there were 75,000 children to be provided for, and that the available fund would not be more than \$300,000.⁷ The Peabody Board was petitioned to render aid to the towns and cities; this would give not only immediate material assistance, but it would act as a stimulus by increasing the schools and lengthening their terms.⁸ In less than a month, however, the head of the system had changed his opinion; in September he advised the Peabody Board to withhold any appropriation from the schools in the state until the townships had fulfilled the requirements of the law in establishing schools. Until the local committees had done what they could, outside aid would not be regarded as altogether healthy.⁹ The taxes were slow in coming in. The statement in the report of the auditor, exhibiting the several sources of the educational fund for the fiscal year ending September 30, 1869, showed no taxes.¹⁰ However, the sum of \$136,076.92, "tax on polls,"¹¹

⁴ On one occasion three ex-governors, an ex-supreme court justice, several ex-congressmen and a number of other distinguished men were dining together, and the only person present who could vote or hold office was the negro waiter. See Hamilton, *Reconstruction in North Carolina*, p. 298; *Sentinel*, June 9, 1868.

⁵ Peabody Proc., Vol. II, p. 101.

⁶ Letter from Superintendent to Peabody Fund Agent, Aug., 1869.

⁷ Legislative Doc. 1870, No. 3, pp. 6, 26.

⁸ Peabody Proc., Vol. I, p. 197.

⁹ *Ibid.*

¹⁰ P. 10.

¹¹ Of this amount \$415.15 had been refunded.

was placed to the credit of the educational fund during the year ending September, 1870; and altogether there was paid to common schools during this year the sum of \$38,981.86.¹²

The first report of the superintendent of public instruction, dated November 10, 1868, contained much information about the antebellum system of schools. The new school law had not been passed at this time and there was no definite concrete evidence that the superintendent could furnish in regard to actual educational conditions. "Prior to 1861," stated the superintendent, "hundreds of thousands of dollars found their way into this [the school] treasury, and were distributed over the state, conferring upon not less than 100,000 white children the blessing of the free school."¹³ The condition and value of the stocks owned by the Literary Board are shown in the report and give a very definite idea of this former source of school support.¹⁴ The Literary Board held stock in the Bank of North Carolina and the Bank of Cape Fear to the amount of \$1,047,-100. Both of these institutions had at this time suspended operations and this stock was regarded as worthless. The board held stock in the Wilmington and Manchester Railroad and the Wilmington and Weldon Railroad amounting to \$600,000, the first of which was bankrupt and there was only slight probability of profit ever being realized from the second. The board also owned 650 shares of stock in the Cape Fear Navigation Company, valued at \$32,500. This stock was also almost entirely worthless, selling for only ten cents on the dollar in May, 1869,¹⁵ though for some thirty years prior to the war it had been paying handsome dividends.¹⁶ The legislature by an act ratified April 6, 1869, authorized the sale of the railroad and other stock held by the Literary Board. From this time on the original stock investments of the board show no substantial return.¹⁷

The second report of the superintendent dealt with conditions during the year ending September, 1869.¹⁸ All the coun-

¹² Leg. Doc. 1870, No. 3, pp. 6, 26.

¹³ Leg. Doc. 1868-9, No. 2, p. 10.

¹⁴ Rept. Supt. Pub. Inst. 1868.

¹⁵ Leg. Doc., 1869-70, p. 15.

¹⁶ Reports of the Comptroller and Auditor.

¹⁷ Reports of the Literary Board.

¹⁸ Rept. Supt. Pub. Inst. 1868-1869, p. 2.

ties except two reported to the superintendent and according to these reports there were in the state 330,581 children between the ages of six and twenty-one years, 223,815 whites and 106,766 colored. Fifteen of the counties failed to report the number of school houses. The remainder reported 1,906; of this number 685 were reported as bad.¹⁹ In making up his so-called "apportionment" for the year, the superintendent depended on the legislative appropriation of \$100,000 and the capitation taxes. The appropriation was not paid, however, and the taxes were poorly collected.²⁰

The uncertainty of future legislation had, along with other elements which entered also, created obstacles for those interested in education. Though the first months of its existence were a struggle, the system was fairly established and was, perhaps, as successful as it could have been during times of bitter party strife and violence. Out of the 90 counties in the state in 1869 and 1870, 37 had a population of less than 10,000 each and only 30 counties made anything like complete reports to the superintendent of schools for those years.²¹ The system suffered during the first years from many defects; the teachers were incompetent, there was a lack of school funds, and the school officials were careless and negligent.²² The population of the state in 1870 was 1,071,361, of whom 391,650 were negroes;²³ about one third of the people of the state were unable to read and write. It was estimated that there were public schools in 70 counties, with 65,301 white and 11,000 colored children enrolled.²⁴ There were 152 private schools in the state instructing about 12,000 pupils,²⁵ and about 70 schools designed especially for the education of the negro.²⁶ The Peabody Board was aiding the better regulated schools of the towns;

¹⁹ *Ibid.*

²⁰ Rept. Supt. Pub. Inst. 1868-69.

²¹ Rept. Supt. Pub. Inst. 1870-71.

²² Nearly all the early reports of the state superintendent complain of maladministration.

²³ Census Report.

²⁴ Rept. Supt. Pub. Inst. 1870-71; Rept. Com. Educ., 1871, pp. 313 ff.

²⁵ Rept. Supt. Pub. Inst., Nov. 12, 1869; Rept. Com. Educ., 1870, p. 248.

²⁶ *Ibid.*

in fact, its work began as early as 1868, when it expended \$2700 to aid schools in North Carolina.²⁷

The work of the Peabody Board during the first year of the new order of things was very important. In 1868, the citizens of Wilmington agreed to raise by subscription or otherwise \$3000 if the board would contribute half that amount for the purpose of aiding schools there. In Newbern there were 1000 colored children in school and 210 white children out of more than 500. The Peabody Board aided that town to the extent of \$1000 to provide for all the white children, the citizens raising \$2500. In Raleigh 700 out of 900 colored, and 275 of the 600 white, children were attending school.²⁸ The board promised \$1000 on condition that the town raise \$2500; this was agreed to.²⁹ The board gave to a colored normal school in Raleigh the sum of \$500. Out of 100 white children in Hillsboro, 75 were in schools of a quasi-private character in which tuition charges were often remitted. There was only a small number of colored children in this town. Salisbury raised \$1000 and received \$500 from the Peabody Board. Charlotte had 650 white, and about 350 colored, children; about 350 of the white children and 150 of the colored were reported in school. The Peabody Board made the same arrangement with this town as with Raleigh and Newbern.

The greatest weakness of the school system was its lack of funds. In March, 1870, the small tax of 1-12 of one per cent on taxable property of the state was authorized for the purpose of continuing the schools the required four months, but it had been neither properly levied nor properly collected.³⁰ Less than \$23,000 had come in from this tax the first year. The superintendent was discouraged.³¹ Only a small per cent of the apportionments made to the counties for the year ending September, 1870, was actually paid.³² Conditions were no better in 1871 and 1872 than in 1870. A new cause of dis-

²⁷ Peabody Proc., Vol. I; Smith, History of Education in North Carolina, p. 173.

²⁸ Peabody Proc., July, 1868.

²⁹ Raleigh was slow in getting the necessary amount, however.

³⁰ Laws of 1870, Chap. 229, Class I, Sect. II; Treas. Rept. 1870, p. 29.

³¹ Peabody Proc., Vol. I, pp. 297-8.

³² Leg. Doc. No. 6, 1871-72, pp. 17 ff.

couragement lay in a decision of the supreme court which questioned the constitutionality of the law of 1869 and said that the provisions for levying local taxes for schools could not be enforced. The General Assembly had not provided for the schools for 1871, and the county commissioners had applied to other purposes the county and state capitation taxes for schools.³³

The law of 1869 had definitely prescribed the manner by which the public schools should continue four months in the year. The scheme by which this was to be done, however, will indicate the reasons for its failure. The law provided for local school officials to estimate annually the amount of money necessary to run a school in each district four months.³⁴ In case any township failed to make such provision the local school committee should furnish to the town commissioners a statement of the necessary expenses for such school.³⁵ A tax equal to the amount of these estimates was to be levied on the township by the county commissioners at the same time and in the same manner that regular county taxes were levied.³⁶ The state was in a poverty-stricken condition and the officials did not, as a rule, levy a tax. No taxes were ordered for building, repairing, or furnishing the school buildings, and not a few of the old houses were in a decayed and decaying condition, hardly fit for school purposes.³⁷ In a few instances, however, the local officials made estimates of the necessary expenses of the schools and reported them to the township trustees. The question of levying the necessary school tax was then submitted to a vote of the township. In most cases the people voted against the tax almost unanimously.³⁸

The question naturally arose whether the county commissioners could levy a tax for schools after the people voted against such a tax. The constitution provided that no county, city,

³³ Peabody Proc., Vol. I, p. 345.

³⁴ Laws of 1868-69, Chap. 184, Sect. 29.

³⁵ *Ibid.*, Sect. 25.

³⁶ It was estimated that from all sources of school support there would be sufficient funds to furnish every child in the state fifty cents for the year for educational purposes. Leg. Doc. No. 5, 1872-73, p. 3.

³⁷ Leg. Doc. No. 5, 1872-73, p. 4.

³⁸ Rept. Supt. Pub. Inst. 1872-73, pp. 3, 4.

town or other municipal corporation should contract any debt, pledge its faith or lend its credit, nor should any taxes be levied or collected by any officials of such corporations, except for necessary expenses thereof, "unless by a vote of a majority of the qualified voters therein."³⁹ Accordingly, if schools within the meaning of the constitution were necessary expenses, the tax for continuing them four months should have been levied without or even against any vote of the people. If such expenses were not necessary such a tax needed a vote of a majority of the qualified voters.

Craven County furnished a test case. There the school commissioners made an estimate of the necessary expenses for schools in a certain township for the year 1870. The estimate was reported to the trustees of the township and submitted to the qualified voters, a majority of whom voted against the tax. In spite of this, however, the commissioners began at once to levy the tax on the property in the township and proceeded to collect it. A complaint that the commissioners had violated the constitution was filed; the judge ordered a temporary injunction to be issued until the defendants could appear and show cause why an injunction should not be issued to restrain the collection of the taxes. The defendants answered that they had been following the constitution and the school law of 1869, arguing that the tax for the schools was a necessary expense. The temporary injunction was dissolved November 12, 1870. The case was appealed and the justice decided in favor of the plaintiffs, in January, 1871, thus reversing the decision of the lower court. The opinion of the justice had to do with two main points. First, the local school tax was not a necessary expense, considered from the meaning of the constitution. The second point dealt with the equation of taxation. The constitutional limitation of state and county taxation was 66 2-3 cents on the hundred dollars' valuation and \$2 capitation tax. And the justice held that this equation had not been observed.⁴⁰

The effect of this decision amounted almost to the destruction of the school system.⁴¹ One clause in the constitution required

³⁹ Art. VII, Sect. 7.

⁴⁰ 65 N. C. 153; 109 N. C. 228; 101 N. C. 532; 66 N. C. 336-7; Art. V. Sect. I of the Constitution.

⁴¹ Rept. Supt. Pub. Inst. 1872-3.

the county commissioners to maintain schools for four months in every township; another clause of the same constitution, however, made school support depend upon local approval. With popular opinion against levying taxes the school law was practically void. The continuance of the schools seemed very doubtful unless other provisions should be made for them. In the early part of the legislature of 1871, an amendment was offered to the revenue bill, looking to supplementing the school funds of the state by a property tax. But the amendment was voted down by a large majority.⁴² There seemed little room for further taxation. The committee on education in the Senate, however, suggested to the state superintendent that he draw up a bill revising the school law. This the superintendent did, and on February 12, 1872, a law was passed which looked to an improvement of conditions. It was framed largely on the theory that taxation for school support was not a form of charity, but the payment of a debt which the "state owed its children."⁴³ The law was not essentially different from the law of 1869 except that it made more liberal provisions for school support. A levy of 6 2-3 cents on the hundred dollars was made on taxable property, and a special capitation tax was fixed at thirty cents.⁴⁴ It was provided, however, that no county should levy an additional school tax.⁴⁵ The following year this tax was increased from 6 2-3 to 8 1-3 cents on the hundred dollars' valuation, and the capitation tax was decreased from thirty to twenty-five cents.⁴⁶ The same law also provided that if the tax for public schools should prove insufficient to maintain one or more schools in each township for four months, then the county commissioners of each county might levy each year a special tax to supply the deficiency.⁴⁷ This additional tax was to be levied on the properties, credit, and polls of the county, but the matter had first to be submitted to the qualified voters. It will be seen that the right of local taxation, while granted to counties, was here withheld from the townships and

⁴² Leg. Doc. No. 5, 1872, p. 6.

⁴³ Rept. Supt. Pub. Inst. 1872; Senate Jour., p. 493.

⁴⁴ Chap. 189.

⁴⁵ *Ibid.*

⁴⁶ Laws of 1872-73.

⁴⁷ *Ibid.*

towns, thus repeating the serious defect of the antebellum school legislation. The best schools during this period were found in those localities where the citizens came to the aid of the state funds and supplemented them by tuition fees. This was frequently done.⁴⁸

In spite of the recent legislation, the means of education were very unsatisfactory. The school law was defective and there was indifference on the part of the people.⁴⁹ The general aspect of education was undergoing but few changes. There appeared to be many reasons for this. The principle of general education by public support had been settled upon; the application of that principle and the adjustment of plans of operation to the conditions and wants of the people proved more difficult tasks. Legislation, though apparently well intended, had been undertaken with little or no preparation or consideration and by those whose experience was limited in such matters. The law, authorizing a local tax, was vague, uncertain, and indefinite, and litigation was resorted to by those who were opposed to it.⁵⁰ School officers were intimidated and the teachers discouraged. The county boards of education appeared to take little interest in the schools. County treasurers and county examiners frequently failed to report and local officers were frequently not elected promptly. The local taxes were sometimes not levied or collected, and the state tax was often late in getting into the hands of the treasurer. The law, requiring the separation of the school funds from other public funds, was not always observed, and unscrupulous officials were accused of using the funds for other purposes.⁵¹ Lands which had been given to the school funds were often in the hands of men who were unconcerned about education and the revenues of such lands were not always properly applied to educational purposes. The public schools languished or were suspended for want of proper administration. Mr. Sears, the general agent of the Peabody Board, saw all these disorders in North Carolina in 1872; and about the same time, the superintendent was registering similar complaints in his report to the legislature.⁵²

⁴⁸ Peabody Proc., Vol. I, pp. 345-6.

⁴⁹ *Ibid.*, Vol. I, p. 360.

⁵⁰ *Ibid.*, Vol. I, pp. 285-86; Leg. Doc. No. 5, 1872, pp. 22 ff.

⁵¹ Rept. Supt. Pub. Inst. 1871, p. 22; Peabody Proc., Vol. I, p. 286.

⁵² Rept. Supt. Pub. Inst., 1872, p. 22.

There were many reasons for the unsatisfactory conditions. The fear of taxation and the element of charity which was read into any system of education were unmistakable obstacles. Tradition had done its worst work in both respects.⁵³ There was a natural and deep-seated aversion to taxation; the people had been educated from proprietary and colonial days to look with suspicion upon all improvements made at their expense for the public good. The fear of taxation revealed a false conception of democracy; resentment for the element of charity found in the schools showed a striking, but distorted, view of community pride and local patriotism. The people reasoned that taxes were designed in a republican form of government to defray its expenses; the less the tax the more ideal the government; and they were unwilling to consider schools properly as a part of governmental machinery.⁵⁴ The domain of individual rights had been widened and that of public interest had been narrowed by this "false delusion," this traditional view of taxation. Taxes, which have been borne cheerfully elsewhere, were at this time regarded as unjust and oppressive in North Carolina. Furthermore, there were heavy state debts hanging over the people. In his report to the Peabody Board in October, 1874, Dr. Sears said that conditions were enough to drive the people of the state into insanity.⁵⁵ And whether schools under the existing financial conditions could be supported was a very grave question. It was hinted that it might be wise and expedient for the Federal Government to come to the aid of education in the impoverished South.⁵⁶ One third of the people was regarded as friendly, one third hostile, to schools, and the remainder was more or less indifferent and easily influenced by the dominant party. The hostile party looked with "pride on the past, disdain on the present, and with distrust into the future."⁵⁷

In July, 1873, conditions were so unsatisfactory that it seemed that no schools would be opened in the fall of that year. Systematic and energetic efforts were needed to enlighten the

⁵³ *Raleigh Register*, Oct. 26, 1827, Nov. 9, 1829, Feb. 4, 1830.

⁵⁴ *Peabody Proc.*, Vol. I, p. 407; 65 N. C. 163.

⁵⁵ *Ibid.*, Vol. I, pp. 407-8.

⁵⁶ *Ibid.*, Vol. II, p. 128.

⁵⁷ *Ibid.*, Vol. I, p. 408.

people so that they would demand of the legislature a working system of schools, or that the General Assembly itself would establish such a system as would command respect.⁵⁸ At no time since the war had the conservative political party, which was fighting for progress in social, economic, and political matters, been in such a crisis. Everything tended to confuse and disconcert the popular mind. No matter was more confusing and alarming to the people of the state than that of mixed schools; in some places its effect was immediately felt. In the face of this fear contracts for building school-houses and engagements for teachers to open schools were suspended. School officials resigned, despairing of the conditions which faced them; and confidence was generally shaken.⁵⁹

The local condition was made even more serious by the attitude of Congress. In 1871-72, Charles Sumner labored for the passage of his Civil Rights Bill, which looked to securing to the freedmen rights identical with whites in hotels, public conveyances, theaters and other places of amusement. Two months after the death of the famous senator, as something of a memorial to him, the Senate passed an act, which was substantially in accordance with the idea Sumner had fought for.⁶⁰ The measure, when it finally passed, was weaker than Sumner's original bill in that it did not apply to schools and churches; and a portion of it was later declared void by the Supreme Court in 1883.⁶¹ At the same time, however, the effect of the Civil Rights Bill was keenly felt in North Carolina, as well as in other Southern States. No legislation in favor of mixed schools had ever been attempted in the state, and public opinion was entirely hostile to it. Opposition was so strong that if the people had been "free to choose between mixed schools and no schools," they would have preferred the latter.⁶² The friends of education, of all political parties, deplored any attempt on the part of Congress to force mixed schools on the people.⁶³

⁵⁸ Peabody Proc., Vol. I, p. 361.

⁵⁹ *Ibid.*, Vol. I, p. 409.

⁶⁰ Rhodes, History of the United States, Vol. 7, pp. 90, 91.

⁶¹ U. S. 109, 3.

⁶² Rept. Supt. Pub. Inst. 1874-5, pp. 63-64.

⁶³ *Ibid.*

The attempt to establish a system of mixed schools was the result of a fallacious argument in the minds of its advocates.⁶⁴ Those most competent to judge predicted that the white people would return to private schools and that the blacks would be left entirely to the religious and philanthropic societies. Such societies were already having practically everything they could do in educating those of the negro race who were preparing for the ministry. On the other hand, there was a belief that nothing but public schools, under state maintenance, organization, and supervision, could meet all the wants of the freedman at that time.⁶⁵

The attitude of the negro in this matter should be noted. Early in 1865, outside influence was brought to bear on the negroes which had a harmful effect. At that time a petition had been circulated among them asking the President to give them equal rights with the whites when the work of the organization of the State was taken up. J. W. Hood, a negro preacher from Connecticut, who was a member of the committee on education in the constitutional convention of 1868, and who was later elected assistant superintendent of public instruction, had, with other influential negroes, called a meeting in Raleigh in September, 1865. A resolution was prepared for the state convention which was about to meet, asking for equal opportunity for education.⁶⁶ Under the constitution of 1868 and the first school law, the negro had equal legal advantages with the white man in education. If there were any differences in the law, it was incidental and purely temporary. In North Carolina, as a matter of fact, the negro did not want to attend mixed schools; he merely demanded the establishment of the same sort of schools for colored as for white children. Certain southern carpetbag congressmen urged the negroes to insist on the rights of mixed schools; but even in South Carolina, where the right to attend schools with the whites was given them by law, the freedmen did not wish to exercise it.⁶⁷ That part of Congress which at first favored mixed school legislation did so because of the belief, at first more or less prevalent in those

⁶⁴ Peabody Proc., Vol. I, pp. 405, 409.

⁶⁵ *Ibid.*, pp. 409, 410.

⁶⁶ Hamilton, Reconstruction in North Carolina, pp. 137, 138.

⁶⁷ Peabody Proc., Vol. I, p. 411.

quarters where conditions were not thoroughly understood, that the negroes wanted such a right. When such congressmen learned the actual attitude of the negro, they changed their opinion.⁶⁸

The Peabody Trustees were decidedly opposed to mixed school legislation. They doubted the origin of certain petitions to Congress and doubted that they represented the saner sentiments of the colored people. That part of the General Agent's report in the autumn of 1874, which dealt with mixed schools, was referred to a special committee. The committee concluded that "the prospects and hopes of the public system of education in the South will receive a serious, if not fatal, blow from any legislation which should make such systems of education maintainable only upon the scheme of 'mixed schools' as the organization requisite for such public education."⁶⁹ They acknowledged that justice, public duty, and the interests of both races demanded equality of opportunity. No such result, they were convinced, could be promoted by a compulsory system of mixed schools. Such legislation, they believed, would not only be pernicious, but the greater share of the disastrous influence would be visited on the negro whose wants had been equally the subject of diligent inquiry and of anxiety to the Peabody Board. The opinion of the special committee was very strong and was unanimously adopted as a resolution.⁷⁰

General educational conditions were in 1872 showing but slight, if any, improvement. Only 63 counties made reports to the superintendent, who made his usual complaints against local committeemen, the county treasurers, and the county examiners. The school population was about 348,603, but only 72,318 white children and 27,598 colored children were in school.⁷¹ The average school term was about two and a half months. During the year, 2160 white, and 530 colored, teachers had been examined and approved by the state. The sum of \$88,022.76 had been spent for white, and \$27,256.14 for

⁶⁸ Peabody Proc., Vol. I, p. 412.

⁶⁹ *Ibid.*, pp. 436, 439.

⁷⁰ *Ibid.*, pp. 54, 439; Dr. Sears himself appeared before congressional committees, and had conferences with individual congressmen and warned them against a "mixed school" law. Peabody Proc., Vol. I, p. 405.

⁷¹ Leg. Doc. No. 5, 1873-4, pp. 3, 4,

colored, schools, and \$16,833.30 had been spent for school-houses.⁷² The revenue for schools was seventy-five per cent of the county and state capitation taxes, provided for by the constitution, and a tax of 8 1-3 cents on the hundred dollars' valuation of all property and credits of the state, and a special capitation tax of twenty-five cents.⁷³ The account of the old Literary Fund showed a few items in the receipts from taxes on retailers and auctioneers, interest, entries in vacant land, fines and penalties, and a small stock dividend, amounting to nearly \$45,000.⁷⁴ The superintendent stated that all the sources of support for schools would allow about seventy-five cents to the child and would be insufficient to maintain a school in each district, according to the requirement of the constitution. The matter of levying an additional school tax had to be submitted to the electors of each county. In those counties which voted against the schools, the only available fund was that which was actually provided for by law.

The Peabody Board, however, was continuing to aid schools. In 1869, it had contributed \$6350; in 1870, \$7650; in 1871, \$8750, and now in 1872, it gave \$8250.⁷⁵ In most of the towns sentiment was developing in favor of public schools. Wilmington, the largest town in the state, had assumed control of the public schools, which before this time had been supported largely by private subscriptions.⁷⁶ The Peabody Board was contributing to this town \$1000, annually, and this amount was being supplemented by taxation to meet the conditions of the gift.⁷⁷ Newbern had about 1000 white children and the Peabody Board was giving \$1000 on the usual condition that the town provide suitable education for all its white children.⁷⁸ The partisan private schools of the town, which had been opposed to the idea of public schools, had been compelled to coöperate with the liberal policy and provisions of the Peabody Board. The school there, which this Board partially supported,

⁷² Leg. Doc. No. 5, 1872-3, Table III.

⁷³ Chap. 90 Sec. 37 Laws, 1872.

⁷⁴ Auditor's Report.

⁷⁵ Peabody Proc., 1869-72.

⁷⁶ Peabody Proc., Vol. I, pp. 243, 244.

⁷⁷ *Ibid.*, pp. 243, 198.

⁷⁸ *Ibid.*, p. 198.

was the only white school which was free in the city. It had an enrollment of about 300 pupils. In Wilmington, there was a similar school of about 400 pupils, and there were 132 pupils in a like school at Washington. The colored school at Washington had about 450 pupils. Beaufort was receiving from the Peabody Board about \$450 for a similar white school and \$400 for a colored school.⁷⁹ Smithfield had 170 pupils with three teachers in a white school, and 100 pupils and two teachers in a colored school. The white school received \$540 and the school for the colored youth received \$200 from the Peabody Board. The farmers in the adjoining county boarded their children in the town and patronized these schools.⁸⁰ In 1872, about twenty other places were being aided in amounts ranging from \$200 to \$500. Several colored schools were aided also on the same general principle that applied to the schools for the whites. Furthermore, the board set aside a sum of about \$1000 for teachers' institutes; and for every \$50 which the state gave for an institute of four weeks with 20 or more teachers, the Peabody Board gave a like amount.⁸¹

In February, 1873, the superintendent issued a report which urged the county officials to give more consideration to the interests of education. The reports from 46 county treasurers for this year show that there were 1427 public schools for white children and 591 for the colored, with 57,414 white and 28,497 colored children in school.⁸² The white schools this year received \$112,175.36 and the colored schools \$45,954.19.⁸³ On the basis of the report of the 46 counties, the superintendent estimated that there was probably \$500,000 in the hands of the county treasurers. It was probable, he stated, that \$300,000 was actually paid to schools during this year. He believed that there were in the state as many as 2800 schools for the white and 1200 for colored children, and that 110,000 white and 56,000 colored children were in these schools. The probable length of school term was about ten weeks.⁸⁴

⁷⁹ Peabody Proc., Vol. I, p. 299.

⁸⁰ *Ibid.*, p. 300.

⁸¹ *Ibid.*, p. 301.

⁸² Rept. Com. Educ., 1874, pp. 317 ff. Peabody Proc., Vol. I, p. 415.

⁸³ Leg. Doc. No. 5, 1873-4.

⁸⁴ Rept. Supt. Pub. Inst. 1874.

The defects of the system, in the opinion of the superintendent, lay in the lack of provision for the training of teachers, in a lack of efficient county and district supervision, and in a lack of authority for local taxation for school purposes. He and the General Agent of the Peabody Board were both convinced that if these defects could be remedied by proper legislation the school system would be effective and efficient. The people, the superintendent stated, were not deficient in energy and public spirit, or in any appreciation of popular education. Sufficient provision was not made for the execution of the school law. The poll tax, constituting the chief source of school support, was not properly collected, and when collected, was not properly turned over to the school treasurers. The real and urgent need, the superintendent declared in 1874, was "statesmen in our legislative halls" and laws that would permit the people to establish and maintain public schools.⁸⁵

The work of the Peabody Board in 1874 was even more extensive than formerly. Aid was given to about 45 towns and districts (among them there were three colored schools), and the *Educational Journal* was given the sum of \$300. The sum of \$16,150 came to the state this year from the Peabody Board. The schools aided in this manner were numerous and their influence was felt considerably. Local tax sentiment was beginning to develop somewhat, although the recommendations of the superintendent were not being heartily received. That officer had noticed, however, that "extreme caution was beginning to yield to better counsels," and there was hope of marked improvement.⁸⁶

In fact, by 1874 the apparently adverse sentiment of the people appeared to yield to wiser and better counsels. The public mind was gradually showing itself more and more favorable to public education. Too much credit can never be given the Peabody Trustees and to the assistance which the funds at their disposal gave the state during these years. They furnished means to support schools which were commanding universal respect; they conferred with teachers and officers of the school system in state and county associations; they brought influence

⁸⁵ Peabody Proc., Vol. I, p. 416.

⁸⁶ *Ibid.*, Vol. II, p. 16.

to bear on legislative bodies. They paid the expenses of state teachers' associations, aided normal schools, contributed funds to the support of educational journals and assisted and advised committees in the organization of their work. The noble design of the great philanthropist had been followed with fidelity and jealous care.⁸⁷ Mr. Sears, the General Agent of the Board, was convinced that "nothing in the future is more certain than the acceptance of that principle the doctrine of free schools by the people at large, if they are free to act without unwelcome influences from abroad." He stated that his personal intercourse with all "classes of men in the South, and an opportunity which few had enjoyed of knowing the opinions and feelings of the people in regard to schools, have led to the conviction, . . . that any authoritative interference with the schools of these states would be disastrous to the dearest interests of education."⁸⁸

The year 1876 is usually given as the date of the undoing of Reconstruction; in this year the conservatives regained their power in the state governments. January, 1877, marks the beginning of a new order of things in North Carolina, for at this time the conservative constitution was adopted. There was, henceforth, no fear of the possibility of mixed schools, for the constitution was very specific on this point.⁸⁹ The first legislature under this constitution, in January, February, and March, took many steps forward in educational matters. The establishment of two normal schools, one for each race, shows a distinct advance.⁹⁰ The legislature appropriated \$2,000 annually to the support of each of these schools and the money was paid directly from the state treasury. Provision was also made by which towns of a certain size could levy an extra tax for schools of as much as 1-10 of one per cent a year on property and thirty cents capitation tax.⁹¹ The former tax for schools, 8 1-3 cents property tax and a capitation tax of 25 cents, was continued.

⁸⁷ When Mr. Peabody made his second great donation he said to his trustees: "This I give to the suffering South for the good of the whole country." Peabody Proc., Vol. I, p. 184.

⁸⁸ Peabody Proc., Vol. I, p. 405.

⁸⁹ Article IX, Sec. II.

⁹⁰ Laws 1877, Chap. 234.

⁹¹ *Ibid.*, Chap. 235.

Mr. Sears expressed delight at this action of the General Assembly. He said: "Public schools were now fairly put upon their own merits. There can, henceforth, be little question of their perpetuity, for the tide of public opinion has recently turned in their favor and it will not be easy to resist it."⁹²

The following table⁹³ furnishes concrete evidence of the work of the school system from 1870 to 1876. The school law of 1869 began its operation in 1870 and the reconstruction régime properly ends six years later. The defects and the merits of the antebellum legislation and the system created by it have already been discussed. Those facts and the following table should afford a comparison of the two systems in point of their constitutional and legal status and of the actual operations of each.

SUMMARY OF STATISTICS

AMOUNT SPENT FOR—	DURING THE YEARS					
	1870	1871	1872	1873	1874	1875
Teaching and Supervision..	31,597.15	115,493.16	199,389.18	159,649.55	263,116.33	263,166.33
Buildings and Supplies.....	4,259.51	10,446.40	16,833.30	25,100.00	22,676.46	22,676.46
Administration.....	7,000.00	5,000.00	4,473.15	6,925.52	11,802.06	11,802.06
White Teachers.....	19,064.77	74,000.00	143,722.70	112,175.36	182,646.53	182,646.53
Colored Teachers.....	9,532.38	40,000.00	54,512.28	45,954.19	77,615.25	77,615.25
County Superintendents ...	3,000.00	1,493.16	1,154.20	1,520.00	2,854.55	2,854.55
Houses (Whites).....		7,000.00	11,222.20	16,733.34	15,117.64	15,117.64
Houses (Colored).....		3,446.40	5,611.10	8,366.66	7,558.82	7,558.82
School Population (White)...	243,463	248,985	254,507	260,029	265,551	271,073
School Population (Colored)	141,155	147,421	153,687	159,953	166,219	172,485
Enrollment (White).....	27,942	41,274	54,606	67,938	81,270	94,602
Enrollment (Colored).....	13,970	22,089	30,208	38,327	46,446	54,565
Total Enrollment.....	41,912	63,363	84,814	106,265	127,716	149,167
Percentage Enrolled.....	.11	.16	.21	.25	.30	.34

Note: Discrepancies between the above figures and any statistics already given may be explained by the difference between the more or less imperfect State and Census Reports for any given time.

The operation of the system of schools in North Carolina before 1868 and of the system between 1868 and 1876 has been considered. A comparison of the two systems may now ar-

⁹² Peabody Proc., Vol. II, p. 101.

⁹³ Compiled from Coon, Progress of Public Education in North Carolina, 1870-1906; Census Reports.

range itself under three general topics: administrative organization; school support; and general results as seen from the length of school term, enrollment, and teachers' salaries. However imperfect such a comparison must be, it will serve to evaluate the comparative merits of the system before and after 1868.

The constitution of 1868 was much in advance of the earlier constitution. But we have already seen that the provisions for state, county and local supervision and control as found in 1860 were not improved by the law of 1869. The duties of the state superintendent, of the county officials, and of the local district committeemen, were as clearly defined at the earlier date as at the later. The facts show that the administration of these officers under the antebellum system was no less efficient than was the state, county, and local administration during the reconstruction period. The school statistics, for example, were much more nearly complete in 1860 than at any time during the latter period. And this is no mean test of interest in schools and of efficiency in the administrative part of the system.

In the matter of school support the two systems were not strikingly different. The otherwise creditable antebellum provision for schools was defective in that taxation for school support was not required either by the constitution or by legislation. In fact, the whole provision for schools was unquestionably of a permissive character. This chief defect the constitution of 1868 and the law of 1869 remedied. Support during the earlier period was by a combination of the proceeds of a fixed fund and of local taxation. The popularity of such a scheme is seen in the fact that practically all the counties adopted the plan the first year after it was proposed, and levied and collected the necessary tax. The efficiency of such a scheme is seen in the history of the schools from 1840 to 1860. The expenditures for schools were practically as large in 1840 as in 1870;⁴⁴ and in 1860, in spite of the permissive character of the method of supporting schools, more than \$136,000 in local taxes was levied and collected in the several counties. The Literary Fund thus stimulated local initiative, and senti-

⁴⁴ 1840—\$41,873.08; 1870—\$42,862.40; Rept. Supt. Pub. Inst. 1870, pp. 18, 19.

ment in favor of increase of local taxation was rapidly developing at the outbreak of the war. And the facts show no better form of local taxation from 1870 to 1876 than in 1860.

A comparison of the general results of the two systems shows the old system superior in several respects. The school term was longer in 1860 than at any time during Reconstruction.⁹⁵ As a matter of fact, the average term as late as 1900 was shorter than it was in 1860.⁹⁶ The school population in 1860 (white only) was 186,174, and 108,938 were in school.⁹⁷ The white school population in 1874 was 265,551, and only 81,270 were in school. The total negro school population in this year was 166,219, and 46,446 were in school.⁹⁸ The average monthly salary paid teachers in 1860 was \$26.⁹⁹ At no time during Reconstruction was this reached, and in 1900 the average salary was only about \$22.50.¹⁰⁰

In administration, in school support, and in general results, the system before 1868 and the one in operation between 1868 and 1876 were very similar. In administrative organization and in the results obtained the former system appears more efficient than the reconstruction system. Although taxation for the support of schools was not required before 1868, yet the method employed for school support during the ante-reconstruction period proved quite as effective as the method used during reconstruction.

⁹⁵ In 1860, the average term was 80 days; during Reconstruction it was about 50 days. Rept. Supt. Pub. Inst. 1860, 1872.

⁹⁶ In 1900 the white schools averaged 73 and the colored school 65 days. Rept. Supt. Pub. Inst. 1898-1900, p. 156.

⁹⁷ Rept. Supt. Pub. Inst. 1860.

⁹⁸ See table above.

⁹⁹ In 1859 it was \$28.

¹⁰⁰ Rept. Supt. Pub. Inst. 1898-1900, p. 156.

CHAPTER IV

SCHOOLS IN SOUTH CAROLINA FROM 1811 TO 1865

South Carolina had no constitutional provision for schools and education until the adoption in April, 1868, of the constitution drawn up by the reconstruction convention of that year.¹ The original constitution of the state, adopted in 1776, was revised in 1778 and again two years later. Other amendments were added or revisions made in 1808, 1810, 1816, 1820, 1828, 1854, and 1856. In none of them, however, was there any reference to education. The constitution of 1865, framed in accordance with the Presidential Plan of Reconstruction, made no provision for the schools.² Everything of an educational character had been left to the whims of the legislature, often indifferent, at times hostile. As late as 1853, the entire educational system of the state consisted of the South Carolina College, established in 1801, the so-called "free schools," begun in 1811, and two or three military academies.³ The legislature, however, had been most liberal in the support of the institutions which it had created. Roughly speaking, the college was not only the first in the order of establishment, but also the first in the order of importance. Every year the legislature incorporated in its act making appropriations for state expenses a generous allowance for professorships in this institution, and for its maintenance and support.⁴ There was no other source of support for any of the institutions except the legislature. The means of supporting schools so generally adopted in most of the states,—that of permanent public school funds,—was unknown in South Carolina until after the war.⁵

¹ South Carolina Constitutions; Rept. Com. Educ., 1892-3, Vol. II, p. 1358.

² Constitution of 1865.

³ Rept. Com. Educ., 1899-1900, Vol. I, p. 404.

⁴ Acts and Resolutions.

⁵ Constitution of 1868, Art. X, Sec. 11.

The need of popular education was keenly felt by public leaders in the state from an early date.⁶ The annual messages of the governors mention the need of free schools; and scattered in the reports and resolutions of the General Assembly are petitions for schools from citizens in the various parishes.⁷ In 1810 and 1811 the public mind began to take hold of the question. In 1811, in accordance with the recommendation of Governor Middleton, the legislature enacted a bill establishing schools in the state for the purpose of furnishing elementary education to its youth.⁸ The act passed the Senate without a roll call and was adopted by the House by a vote of 72 to 15. It provided that there should be established immediately in each election district of the state a number of free schools equal to the number of members in the House of Representatives of the state legislature. The law seems to have been designed as an initial movement toward the creation of a system of education which would furnish the means of elementary instruction to all the children of the state; but it was couched in such terminology that it worked its own defeat so far as this original design went. The schools were to be open and free to all citizens of the state; but if more children should apply for admission than could be accommodated, preference was always to be given to poor orphans and children of indigent parents.⁹ The schools were thus destined to sink early into pauper schools. To accept tuition in any such institutions was an open declaration of a poverty-stricken condition which the middle classes objected to. Thus the free school system, although its original purpose was to furnish a substantial English education to all the children of the state, became very early to be regarded as simply for the poor.¹⁰

Further provisions of the law were for the support of the schools, for their management, for an increase in their number, for the erection of houses, and for moving schools. Each dis-

⁶ *Charleston Courier*, October 15, 1803.

⁷ Statutes, Vol. 5, p. 369; *Charleston Courier*, December 26, 1803. Governors' Messages found in Annual Reports and Resolutions.

⁸ Acts of General Assembly 1811, pp. 27-31.

⁹ *Ibid.*

¹⁰ Message of Governor Orr to Special Session of Legislature in 1868; Report of Sumner 1847; Reports and Resolutions.

trict or county was entitled to the sum of \$300 annually, for the support of the schools, for every representative it had in the House of Representatives of the legislature; and commissioners ranging in number from three to thirteen were to be appointed by the legislature for each district or county, to hold office three years, to serve without pay and without penalty, and to have general control of the schools. They determined the location of the school, appointed teachers, decided on the admission of the scholars, and drew on the comptroller for the school money. The schools were to be kept open as long as the funds would allow. Before a school could be established, however, the community was required to build a schoolhouse. Until a sufficient number of schools could be established the local officers were allowed to convert those which had begun into "moving schools," if by so doing they could better promote the purposes of the act. The law recognized the existence of other free or semi-free schools by the following section: "In all districts where a school or schools are already, or may hereafter be established by private funds or individual subscription, it shall be lawful for the commissioners of free schools, at their discretion to unite such part or parts of the fund provided by this act for such district with such school or schools, in such manner as may appear to them best calculated to promote the objects of this act." Throughout the entire life of the law such schools were in some parishes aided by the public funds.¹¹ In 1824, 41 districts reported to the legislature, and in eleven of these, private schools had been assisted.¹²

Schools were established at once in as many as 34 of the 44 districts, and in these 185 schools with 4299 pupils were reported by the local officials in December, 1812. It is certain, however, that there were more than 185 schools; one district reported 90 pupils, one 260, one 102, without giving the number of schools in the district.¹³ The next year an effort was made by representatives in the legislature from the sparsely settled regions to abolish the free school system established in 1811, showing a doubt about the practical operations of the law which seemed characteristic of the public mind in many of the states immedi-

¹¹ Reports and Resolutions 1845, p. 150.

¹² *Ibid.*, 1824, pp. 111-112.

¹³ *Ibid.*, 1812, p. 97.

ately after the inauguration of free schools. The schools seemed too inconvenient and expensive; the law should be repealed. This was the logic of the opponents of the schools.¹⁴ The representatives from Charleston prevented any such action; one member of the legislature from that town made a strong plea for the schools.¹⁵

That 34 of the 44 districts should make reports the first year of the operation of the law indeed spoke well for the interest of the free school commissioners appointed by the legislature of 1811 for the various districts. The novelty soon wore off, however, and in 1813 unexpected difficulties revealed themselves. The commissioners had been careless and indifferent, and the committee on schools in the legislature soon complained of the difficulty of obtaining reports from them. This was a chronic complaint until the war.¹⁶ The first evidence of neglect on the part of the local commissioners appears in a report of the Committee on Free Schools in December, 1814; the complaints registered there resulted in the passage at the same session of a resolution requiring the local free school commissioners to report school statistics annually to the legislature.¹⁷ By this resolution the state was to furnish each county board of school commissioners with adequate blanks for the returns. Many schools had been in operation that year although the returns of local commissioners were very imperfect and incomplete. The report of the state controller for the year beginning September 30, 1813, and ending October 1, 1814, shows an expenditure for schools of \$35,192.77.¹⁸ Certainly as many as 225 schools were in operation in the state in 1814,¹⁹ for the support of which the legislature appropriated \$37,000.²⁰

In not a few instances erroneous statements regarding the free schools of South Carolina have appeared in otherwise careful discussions. Thus Barnard's *American Journal of Educa-*

¹⁴ Ramage, *Local Government and Free Schools in South Carolina*, p. 36.

¹⁵ *Ibid.*, pp. 36, 37; Rept. Com. Educ., 1899-1900, Vol. I, p. 468; Reports and Resolutions 1813.

¹⁶ Reports and Resolutions.

¹⁷ Reports and Resolutions 1814, p. 111.

¹⁸ Report of Controller 1814, p. 70.

¹⁹ Reports and Resolutions 1815, p. 81.

²⁰ Acts of 1814, p. 46.

tion,²¹ in a review of the common schools and public instruction in the United States, says: "In 1811, the state instituted a fund, the income of which was to secure to every citizen the benefits of education, but in the act itself was the secret of its own failure, a provision that 'if the funds should prove inadequate for all applicants, preference should be given to the poor.'"

Evidently the writer of these words had hastily concluded that South Carolina intended to establish a public school fund as had been done in so many of the states. A careful reading of the law would have shown that there is nothing in the act that would warrant such an opinion. In fact, as stated above, no such fund was contemplated by any subsequent legislation until the constitution of 1868.²²

Swift in his "Permanent Public School Funds in the United States"²³ seems to have accepted without investigation Barnard's error: "South Carolina appears to have established a permanent school fund in 1811, but little, if any, reliable information concerning it has been available." Swift may have been influenced by Mayo in his "Original Establishment of State School Funds": "Although Virginia did not respond to the appeal of her great educator statesman, Jefferson, backed by the influence of every public man of the first order in the Old Dominion for a complete system of common schools, yet in 1810 the literary fund was instituted which in 1812 amounted to \$2,000,000.

"In 1811 South Carolina, and North Carolina in 1825, made the same application of public funds like Virginia, chiefly in the direction of the free school for the poorer class of white children and youth, or for their schooling by the subsidizing of private and denominational seminaries."²⁴ We can only repeat that Barnard, Swift, and Mayo are all wrong.²⁵ There is evidence that in the case of each the law was not carefully read if read at all.

²¹ Vol. 24, p. 317.

²² Art. 10, Sec. 11.

²³ P. 389.

²⁴ Rept. Com. Educ. 1894-95, Vol. 2, p. 1507.

²⁵ Boone, in his *Education in the United States*, makes a similar error (p. 86), which Dexter in his *History of Education in the United States* (p. 204) passes on without correction.

Another error has similarly been repeated. Ramage, in his "Local Government and Free Schools in South Carolina," says:²⁶ "In 1850 there were seven hundred and twenty-four free schools in this state with seventeen thousand eight hundred and thirty-eight children attending them. The support of these schools for the same year was two hundred thousand and six hundred dollars. At the outbreak of the Civil War, in 1861, the free schools had grown so rapidly, that twenty thousand children attended them, and they had an annual support of more than two hundred thousand dollars." Again Barnard's *Journal* is the original source of the error; there the statistics appear exactly as given by Ramage.²⁷ The Census Report gives for that year: 724 public schools, 739 teachers, and 17,838 pupils. But under the head of support of these schools, the following items appear: endowment, \$3000; taxation, \$1200; public funds, \$35,973; other sources, \$160,427, making a total of \$200,600, all of which appears as one item and as direct state support in Barnard's *Journal* and in Ramage.²⁸ The "other sources" were undoubtedly private contributions or tuition fees; for the state funds and private support were frequently combined.²⁹

The original school law remained practically unchanged from 1811 until the war. As early as 1814, however, resolutions were passed at almost every legislature dealing in some fashion with the schools. But beyond such resolutions there was no significant legislation supplementing the law or revising it. Unimportant details, such as the appointment of local district commissioners, were taken care of in the legislature by resolutions, and this form of legislation was usually depended on to enforce the school law. In 1814, the local commissioners were directed to report the schools statistics to the legislature annually. The necessity for such a resolution is evidence that the local officials had been negligent. In 1812, these school officers had been prompt and active in making their reports even though such returns were incomplete. After that time, however, local sta-

²⁶ Pp. 37, 38.

²⁷ Vol. I, p. 368.

²⁸ Comptroller-General's Report for 1850 shows that the state support of free schools was only \$37,192.83. In 1860 the same report shows the state's support to be \$73,181.58.

²⁹ See Reports and Resolutions for 1824, pp. 111, 112; for 1845, p. 150.

tistics were very meager.³⁰ In spite of the legislative resolution in 1814 to enforce the school law, however, conditions showed but little improvement.³¹ This was the case for several years. The committee on education in the legislature in 1819 was highly displeased with the evidence of indifference on the part of the local school officers and regretted that they displayed "so much apathy toward this wise institution (the free school system) as to neglect to make suitable reports." The committee was convinced, however, that the schools were doing much good and that they should be more heartily received by the people. The recommendations of the committee rarely ever resulted in any more effective legislation, however, than resolutions.

But for this form of legislative action little could be known of the schools. As meager as this source of information is, a few facts concerning the schools may be found. The failure of one district to report in 1819 was due to the illness of its commissioners and the legislature was compelled to be lenient with those officers. A resolution was passed at the same session allowing the commissioners of another district until the last day of the legislature of 1820 to make the report, because two members of the board of commissioners had been away from the district.³² At the same time the Charleston commissioners were instructed to inquire into and ascertain the practicability of establishing one or more schools "on the Lancastrian or other improved system of education, with the funds then disbursed for free schools, and also to ascertain whether any coöperation could be had from any quarter for such purpose."³³

The reports show some improvement in the schools after 1820 even though the reports continue to be more or less incomplete. In 1820, 37 districts reported 7045 children in the free schools of the state, for the support of which the state expended \$40,-248.48. The following year 38 districts reported and about the same amount of money was paid by the state for school support.³⁴ In 1822 a committee in the legislature expressed itself as pleased with the results and stated that the system of schools appeared

³⁰ Reports and Resolutions.

³¹ *Ibid.*, 1815, p. 113; 1816, p. 81; 1817, p. 84; 1818, p. 88; 1819, p. 60.

³² *Ibid.*, 1819, pp. 60, 72.

³³ *Ibid.*, p. 72.

³⁴ Rept. Comp.-Gen. 1820, pp. 59, 60; *ibid.*, 1821, p. 57.

to "meet the approbation of the citizens throughout the state," and that it had "exceeded the most sanguine expectations of its original founders."³⁵ The legislature continued to appropriate annually \$37,000 to the support of the schools. In order to compel the districts to report each year, it was understood that negligent districts would be denied their proportionate share of the annual appropriation. Cases of negligence were common, but sooner or later every district got its quota whether it had made its report or not.³⁶ In 1823, St. Peter's parish failed to report; good excuse having been given to the committee, the Comptroller-General was authorized by resolution in 1824 to pay the teachers for their services in 1823.³⁷ In 1826, on account of the illness of the secretary of the commissioners, St. Luke's parish was, according to law, entitled to no money from the state, for the support of schools and the payment of teachers' salaries for the preceding year. But a resolution was passed December 6, 1827, recommending that the expenses of the schools in that district be paid.³⁸

Interest in the schools was slowly increasing. In 1825, South Carolina College was requested by a resolution passed in the legislature in December, to prepare a detailed system for the better regulation of the public schools of the state and to report the same to the legislature in 1826.³⁹ Nothing developed from this action, however. In 1827, in 1828 and in 1829, \$37,200 instead of the usual sum of \$37,000 was appropriated for free-school support. From 1839 to 1851 inclusive the sum of \$37,500 was annually appropriated, and the reports of the Comptroller-General show that these appropriations were usually exhausted. From 1852 to 1864, the annual appropriation was \$74,400 except in 1858 and 1859 when the sum of \$75,000 was each year appropriated.⁴⁰ In a few instances the expenditures exceeded the appropriations.⁴¹

³⁵ Reports and Resolutions, 1822, p. 107.

³⁶ *Ibid.*, 1824, p. 82; 1827, p. 37; 1832, p. 32.

³⁷ *Ibid.*, 1824, p. 82.

³⁸ *Ibid.*, 1827, p. 37.

³⁹ *Ibid.*, 1826, p. 113.

⁴⁰ Acts of South Carolina.

⁴¹ Acts, and Reports of Comp.-Gen.

Many sidelights on the system in South Carolina appear in the annual reports to the legislature. Many of the reports show that the state funds were frequently combined with private funds and funds from church societies. In 1844 one school in one district had been supported in part by a charity fund raised by the minister of a local church.⁴² In 1845 an entire district had united the public fund with private contributions.⁴³ In one year, as many as eleven districts reported that private schools had been assisted in them.⁴⁴ Little light, however, is thrown on the internal organization of the schools by the reports of the local commissioners. It seems to have been the general understanding that no information concerning the manner in which children were taught, the standards of teaching, text-books and the like, was to be furnished the legislature. In 1846 the committee on education in the legislature stated that they did not "pretend to furnish any adequate information . . . as to the manner in which the pupils have been taught, the standards of competency in teachers, the books which have been used in the schools or the discipline which is maintained in any of them."⁴⁵ The reason the committee gave for not pretending to furnish such facts was that they "had received none." In the districts of St. Philip's and St. Michael's, however, conditions were in advance of those in other sections. The school commissioners held quarterly meetings, where matters pertaining to the schools were freely discussed. As early as 1846 there were five free schools in these districts and as many teachers. Each school had its own board of trustees who visited the school and examined the pupils and reported to the local commissioners. An annual examination was also held; and "we do not hesitate to state that the proficiency exhibited by the scholars, on these occasions, in the various departments of spelling, reading, writing, arithmetic, geography, grammar and history is surpassed by no school in the city."⁴⁶

Even here in Charleston, however, the schools had before 1855 no permanent location. The teachers usually had to rent

⁴² Reports and Resolutions 1844, p. 169.

⁴³ *Ibid.*, 1845, p. 150.

⁴⁴ *Ibid.*, 1824, p. 79.

⁴⁵ *Ibid.*, 1846, p. 16.

⁴⁶ *Ibid.*, pp. 118, 119; *ibid.*, 1848, p. 152.

houses in which to hold school and the commissioners recommended that appropriations be made in order to furnish suitable houses for the schools.⁴⁷ If this were the condition of the free schools in the advanced districts, conditions in the purely rural and remote districts must have been very poor. In 1844, St. Philip's and St. Michael's were allowed to raise by taxation funds to build a free school house.⁴⁸ It was in the same year, 1848, that Henry Barnard, on the invitation of the governor of South Carolina, helped to arouse the interest of the people in Charleston on educational matters. In 1852 the legislature allowed the city to levy a tax for free schools, the only condition being that not more than the annual appropriation from the state be raised additionally in this way. Charleston was at this time entitled to \$1500 on the usual basis of apportioning the school appropriation. In this manner the previous amount for schools was doubled. In 1854 the school commissioners were among the friends of the free school plan. Their petition to the legislature for the establishment of an improved system of schools for Charleston was favored by that body. And from 1856, until the outbreak of the war, that city had an excellent system of schools.⁴⁹ With this exception, however, there was little or nothing in the way of free schools that could be pronounced creditable in South Carolina. There seemed indeed a unanimity of purpose among the leaders in the state; the appropriations were liberal; but there was an almost utter failure of results.

This was the opinion even of those who favored the schools. Nearly all the governors had something to say about the schools, after the system was inaugurated in 1811, in their messages to the legislature, and many of them recommended modern improvements. Most of them, on the other hand, candidly believed that while the system was accomplishing some good among the poor people, nevertheless, the free school system was a failure.

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*, 1848.

⁴⁹ Rept. Com. Educ., 1899-1900, Vol. I, pp. 465-467. I am privately informed that these schools established in 1856 were patronized by all classes. Not a few of the most prominent and wealthy citizens sent their children to them in order to help destroy the prejudice that had previously existed against the free schools.

Resolution after resolution was passed in the legislature for the purpose of inquiring into the free school system with a view to its improvement. Little was done until 1839, however, when a committee was appointed for this purpose. The report was published a year later; and in 1847 it was said that the report had been before the people ever since without "attracting one tithe of the attention" which it demanded and deserved.⁵⁰ "Let any dispassionate and candid individual examine these reports, . . . and however much he may be disposed to laud his state, he will there find enough to make him blush for her neglect of the all-important cause of education."⁵¹ The work of the state for the education of her children was in 1847 defined as "splendid nothings," and for this lack of adequate educational facilities the state was responsible. "Shall the wants of the people be satisfied? Then let the legislature do their duty!"⁵² A superintendent of the schools had been recommended, and recommendations had been made for a normal school and for a better and more extensive course of study. But such suggestions had availed nothing. The method of distributing funds to the various districts was justly criticised; for equality was most apparent. Spartanburg, for instance, was entitled to \$1500, and Charleston to \$5100, although Spartanburg had more voters than Charleston.⁵³

In 1850 the governor recommended the appointment of a superintendent and an increase of the funds for school support by means of taxation.⁵⁴ This recommendation and one relative to the laying of an assessment for educational purposes were referred to a committee. However, so much of the report of that committee as was "adverse to" the appointment of a superintendent and a tax for school purposes was agreed to; so much thereof as recommended the adoption of the resolution requesting the governor to employ a suitable person to collect information about the school system was disagreed to.⁵⁵ Five years

⁵⁰ Reports and Resolutions 1847, p. 196.

⁵¹ Suggestions Relative to the Free School System, in Reports and Resolutions 1847.

⁵² Reports and Resolutions 1847, p. 209.

⁵³ *Ibid.*, p. 206.

⁵⁴ Senate Jour., 1850, pp. 16, 17.

⁵⁵ *Ibid.*, p. 144.

later the governor, in a message to the legislature, pronounced the school system a failure. "Its defects have long been felt, and yet nothing has been done except to double the sum of money wasted under a bad system. It requires a thorough entire reformation." The governor declared it very unfortunate that the purpose that was evidently contemplated by the act of 1811 had been abandoned, and what "was intended to introduce gradually a general system of common schools has been perverted to the exclusive education of paupers."⁵⁶ He especially urged the appointment of a superintendent, but, as before, such recommendations were not followed. Resolutions to improve the free school system were agreed to in the House and sent to the Senate, but beyond this no action of importance was taken.⁵⁷

It was thus a poorly organized and inefficiently managed system of schools restricted practically to the poor, that South Carolina had before the war. In the foregoing there appear but few features of a modern school system, barring the possible exception of local organization. The law provided for schools in every election district of the state where "free" elementary instruction should be given to all children. Local commissioners appointed by the legislature to serve three years had general control of the schools. Their duties were to select a school site, appoint teachers, admit pupils, and draw on the state treasury for their quota of the legislative appropriation. With no state supervision, little efficient local supervision and control, the pauper schools received each year an allowance from the legislature with no important conditions attached. And the criticism seems justified that much money was "wasted under a bad system."⁵⁸

⁵⁶ House Jour., 1855, pp. 23, 24.

⁵⁷ *Ibid.*, p. 43, 195, 251.

⁵⁸ The following table of statistics will furnish some facts about the schools before the war. These statistics were gathered from the laws making appropriations, reports of the State Treasurer, and the reports and resolutions in the annual legislative documents. Until 1842, the reports were incomplete, and I was unable to find the school statistics for 1850 and 1851, except the appropriations and expenditures for schools.

Year	Annual Appropriation	Expenditures by the State	Estimates by Local Officials as Needed	Districts Reporting	Schools	Teachers	Pupils
1812				34	185		4299
1813							
1814	\$37,000	\$35,192.77					
1815	37,000	33,866.76		29			3642
1816	37,000	34,201.34		18	229		3328
1817	37,000	39,691.39		14			2237
1818	37,000	35,619.75	\$18,808.19	25			4424
1819	37,000	48,951.70	19,621.00	18			3302
1820	37,000	40,248.48	42,215.80	37			7045
1821	37,000	40,466.99	30,898.75	38			5827
1822	37,000	35,150.37	31,383.36	36	584		5982
1823	37,000	22,242.21	34,019.23	31	296		6645
1824	37,000	40,827.22	37,907.58	41	649		5575
1825	37,000	23,240.22	36,580.36	43	892		8834
1826	37,000	40,376.03	36,869.33	40	686		8314
1827	37,200	36,611.78	38,710.46	44	754		8765
1828	37,200	40,679.12	39,616.77	42	840		9036
1829	37,200	48,232.53	35,415.06	43	727		7813
1830	37,000	36,723.52	35,818.34	40	860		8572
1831	37,000	36,778.28	36,377.27 ½	42	966		9066 ½
1832	37,000	38,305.72	36,960.95	43	817		8390
1833	37,000	37,691.30	36,660.55	42	854		10718
1834	37,000	33,915.83	33,086.84	37	783		8388
1835	37,000	35,199.78	33,631.30	41	709		8475
1836	37,000	28,877.84	33,463.99	43	695		6718
1837	37,000	39,352.14	36,513.11	44	749		7550
1838	37,000	35,639.25	39,776.70	43	694		7705
1839	37,500	38,268.57	40,326.29	43	842		8867
1840	37,500	38,409.87	38,750.30	43	781		8060
1841	37,500	32,345.27	43,379.12	44	869		9187
1842	37,500	36,792.83	41,904.44	44	914	820	8558
1843	37,500	36,198.59	40,408.45	43	847	851	8882
1844	37,500	38,329.39	40,545.88	43	931	918	8784
1845	37,500	37,036.89	42,232.92	43	967	963	9670
1846	37,500	36,707.90	38,346.67	44	925	919	7989
1847	37,500	35,648.07	33,527.52	41	739	737	7188
1848	37,500	35,079.34	39,203.52	44	994	962	8053
1849	37,500	37,495.02	40,561.53	44	1023	1019	9122
1850	37,500	37,192.83					
1851	37,500	35,522.50					
1852	74,400	36,188.34	34,651.13	43	831	753	7454
1853	74,400	47,961.96	66,464.42	44	1275	1275	13123
1854	74,400	74,592.96	72,791.98	43	1289	1287	17451
1855	74,400	72,746.41	79,494.18	44	1542	1541	17440
1856	74,400	77,538.87	83,004.33	44	1450	1490	19756
1857	74,400	77,914.12	87,462.19	43	1465	1478	19356
1858	75,000	77,799.95	84,537.35	44	1416	1375	19298
1859	75,000	74,486.31	87,628.24	44	1414	1404	16841
1860	74,400	73,181.58	127,539.41	44	1270	1294	18915

CHAPTER V

BEGINNINGS OF RECONSTRUCTION IN SOUTH CAROLINA. FIRST SCHOOL LAW UNDER THE CONSTITUTION OF 1868

The Presidential Plan of Reconstruction began in South Carolina with the appointment June 13, 1865, of Benjamin F. Perry, Provisional Governor. A proclamation for the election of delegates to a constitutional convention to be held September 4, was issued by Perry July 20. By this proclamation the citizens of the state were urged to qualify as electors by taking the amnesty oath,—an indispensable condition for ability to vote. Taking the amnesty oath would also indicate a willingness of the people to coöperate with the President in his effort to restore civil order in the state. The proclamation also urged that those persons whom the President had excepted from the benefits of amnesty should apply for pardon. Many persons availed themselves of this means of acquiring the ability to participate in the election; about 850, on the recommendation of the Provisional Governor, were pardoned by the President. Of this number 650 were of the class which owned as much as twenty thousand dollars' worth of property.¹

The convention was in session from September 13 to 27. It framed a constitution and passed such ordinances as were necessary to place the state in an organized condition until the legislature could meet and further steps be taken to place the state in proper relationship with the Federal government. Slavery was prohibited, the Ordinances of Secession were repealed, and provision was made for the election of members of the legislature and of the state officers. No provision, however, was made for schools.² At the election in October, James L.

¹ Reynolds, *Reconstruction in South Carolina*, p. 14.

² *Ibid.*, p. 19; Rept. Com. Educ., 1892-93, Vol. 2, p. 1358.

Orr was chosen governor. The members of the legislature, elected at the same time, met in special session October 25; their chief work was the ratification of the thirteenth amendment. The regular session began November 27, continuing until December 21. On that day Provisional Governor Perry was ordered to deliver to Governor-elect Orr all papers and property relating to the office of governor, and South Carolina was formally restored to her relations with the Federal government.³ Nothing of an educational character was done by this regular session; it concerned itself largely with the passage of laws dealing with the freedmen, popularly known as the "Black Code." An extra session was called, however, September 4, 1866, to make changes in the laws already passed and to meet the exigencies of the peculiar conditions of the state; but in this nothing concerning schools and education was attempted. The second regular session of the legislature was opened November 26, 1866, adjourning December 21; this was the last regular meeting of the law-making body under the constitution of 1865. It concerned itself particularly with the adoption of the fourteenth amendment. The message of the governor indicated his lack of sympathy with its adoption, and the legislature shared with him a feeling that the state could not accept fully all the terms of the amendment. The Senate was unanimous in its vote against it, and in the House only one vote was cast for it.⁴

March 21, 1867, marks the beginning of the so-called military reconstruction in South Carolina. At this time Major-General Sickles assumed command of the Second Military District of the Southern States, composed of North Carolina and South Carolina. Sickles was succeeded by Major-General E. R. S. Canby, September 5, who ordered an election of delegates November 19 and 20 to frame a constitution. The results of that election were, for the convention, 130 whites and 68,876 blacks; against it, 2801 whites.⁵ The convention met in Charleston January 14, 1868, to frame a constitution and a civil government in accordance with provisions of the Reconstruction Acts

³ Reynolds, *Reconstruction in South Carolina*, pp. 23, 26.

⁴ *Ibid.*, pp. 33, 34.

⁵ *Ibid.*, pp. 64, 69, 74.

passed by Congress. Of the 124 delegates constituting the convention 48 were whites and 76 negroes; of the entire delegation, 120 were radicals. There were 59 South Carolina negroes in the body. Of the 48 white members, 23 paid no tax whatever; and of the total tax paid by the remaining 25, which was \$761.62, one of the conservatives paid \$508.85.⁶ The total tax paid by the radical members was \$359.70, an average of less than \$3.00 each. No tax was paid by 59 of the colored members. The total tax paid by the colored members was \$117.93, and of this amount \$85.35 was paid by one man from Charleston.⁷

Governor Orr appeared before the convention immediately after it had assembled and addressed it on matters that in his opinion should be given serious attention. That portion of his message which dealt with the urgent need of schools in the state and which insisted on a thorough constitutional provision for common schools for all the youth of the state, is very significant. It was not a novel thing, however, for the governor of the state to mention in his annual message to the legislature the need of schools and education for all the white children.⁸ Practically every executive had from as early as 1811 until as late as the fifties dealt at more or less length on the subject. It is interesting to note, however, that at this time Governor Orr recommended a general capitation tax for the support of schools for both races.⁹

The committee on education was named very soon after the convention organized. Rev. F. L. Cardozo, a negro, who was very active in South Carolina politics and who afterwards became treasurer of the state, was made chairman. To serve with him were J. K. Jillson, of Massachusetts, who had previously been in the employ of the Freedmen's Bureau as teacher and who later became the superintendent of public instruction of South Carolina, and two other white men and five negroes.¹⁰ When the committee made its report, a heated discussion took place over that portion which concerned compulsory attendance of the children of both races in the schools. Benjamin Byas, an eccentric and ridiculous negro member, was one of the first to

⁶ Reynolds, *Reconstruction in South Carolina*, pp. 78, 79.

⁷ *Ibid.*

⁸ Reports and Resolutions of South Carolina, 1847, pp. 229-243.

⁹ Conv. Proc., p. 51.

¹⁰ *Ibid.*, p. 56; Reynolds, *Reconstruction in South Carolina*, pp. 76, 77, 87.

be heard on the point. He insisted very vigorously that the word "compulsory" should be taken out of the section; he desired a pure republican form of government where compulsion was unknown. He argued that a man should not be compelled to educate his children any more than he should be compelled to direct "them to heaven or hell," because "man is a free, moral agent, and he should be left where God put him."¹¹ Among the provisions was one which compelled all children to go to schools of some description. If families of whites were unable to send their children to private schools, "they should be obliged to send their children to the public schools, in which all white and colored shall be educated in common."¹² Most of the discussion was carried through by the negro members.¹³ Opinion was very much divided, however; some of the negroes felt that to incorporate a provision in the constitution to compel the children of both races "to mingle in the schools together and associate generally" would serve to humiliate the white people.¹⁴ There were others who knew that such a provision would be dangerously reckless.¹⁵

Chairman Cardozo fought hard for the original wording of the report.¹⁶ With him it was a distinct anti-white fight, and he had a considerable following.¹⁷ "We only compel parents to send their children to some school," he said, "not that they shall send them with the colored children; we simply give those colored children who desire to go to white schools the privilege of doing so."¹⁸ One of his supporters was an enthusiastic negro by the name of Chestnut. He believed that the report should stand as it was originally brought in. "Sir," he concluded his argument, "you can by no persuasive and reasonable means establish civilization among an ignorant and degraded community such as we have in our country. Force is necessary, and, for one, I say let force be used."¹⁹ Mr. Jillson, who became the

¹¹ Conv. Proc., p. 686.

¹² *Ibid.*, p. 691.

¹³ *Ibid.*, pp. 686-689.

¹⁴ *Ibid.*, pp. 900, 901.

¹⁵ *Ibid.*, pp. 702-704.

¹⁶ *Ibid.*, p. 691.

¹⁷ *Ibid.*, p. 703.

¹⁸ *Ibid.*, p. 691.

¹⁹ *Ibid.*, p. 692.

executive head of the system of schools as it was finally organized, discussed the question at some length, quoting and referring freely to the school laws of Massachusetts, and other New England States, of Switzerland and of Prussia, in an effort to have the report of the committee adopted.²⁰ One negro member was alert enough to detect the fallacy of most of the argument based on such references. "We occupy an entire [sic] different position from what those states do. We have just been born to a new life, and we are not prepared at this state of our proceedings to enact or enforce any such law, or to incorporate it in the constitution."²¹ Such a view as this, however, was entirely too conservative for another negro member, who stated that he did not rise to make a speech, "but it had been said by the member from Beaufort that we have just been born. I wish to deny that, and to inform the member that we are three years old. Having made such tremendous strides in three years, I think it highly necessary that some method be adopted by which these three-year old children, instead of running around molasses barrels or stealing cotton, be compelled to go to school. I noticed with regret on my way here this morning, some eighteen colored children standing before the door of the Guard House in this city. If those little boys and girls were at school, they would not have been arrested for stealing. But I think enough has already been said on this question, and I move the postponement of all the amendments."²²

One of the four conservatives in the convention, C. P. Leslie, of Barnwell, later a member of the Senate, made a heated speech directed against "our friends from Massachusetts." His efforts failed, however.²³ Cardozo was on his feet at once, and stated in reply that the colored delegates could not be frightened by the "bugbear of the defeat of our constitution. I would simply say that I do not think there is a colored delegate but what knows that we have carried the convention against the white people of the state, and will carry the constitution also."²⁴ He was asked how many native-born South Carolinians were on

²⁰ *Ibid.*, pp. 695 ff.

²¹ *Ibid.*, p. 698.

²² *Ibid.*, pp. 701-702.

²³ *Ibid.*, pp. 702 ff.

²⁴ *Ibid.*, p. 703.

the committee on education, and he replied: "There is only one Massachusetts man on the committee." He was pressed further and asked if any South Carolinian had voted in the committee meeting for the provision under discussion. Again an evasive answer: "I would say that one style of argument, of appealing to our fears, or cowardice, or our manliness, is scarcely worth noticing."²⁵ Later he stated that he desired to divest the question of "false issues which some cunning political demagogues on the floor have connected with it." Objection was at once raised to the term "political demagogues," and a most undignified scene followed.²⁶

Such prolonged quibbling had no effect, however, in changing the original section on compulsory attendance. It provided that all children between the ages of six and twenty-one years should attend school at least six months in the year, and it was adopted by a large vote of the convention.

The section on taxation for the support of the schools likewise caused trouble in the convention. Provision that a general capitation tax should be applied to educational purposes was proposed. There seemed little or no objection to this, but some members desired that the penalty for non-payment of the tax be deprivation of the privilege of voting. This would guarantee the prompt payment of the major portion of the funds for school support. Most of the members of the convention had no property, and would be assessed only a capitation tax. Therefore, that section of the constitution which stated that no person could ever be deprived of the right of suffrage for failure to pay this capitation tax, passed the convention as it was originally drawn by the committee by a vote of 81 to 21.²⁷ The same section provided that the legislature should levy at each annual session a tax on all taxable property of the state for the support of public schools.²⁸ Provision that the legislature should within five years establish and support a normal school for prospective teachers, passed with little discussion.²⁹

²⁵ Conv. Proc., p. 704.

²⁶ *Ibid.*, pp. 703, 704.

²⁷ *Ibid.*, pp. 737, 738.

²⁸ *Ibid.*; Constitution, Article X, Section 5.

²⁹ Conv. Proc., pp. 744, 745.

The section which provided that all educational institutions supported by public funds should be open and free to all the youth of the state without "regard to race or color" was warmly discussed. The words "race and color" reverberated through the convention chamber. The chairman hesitated to pass finally on the section before it had gone to the committee again. He recommended that it be returned to the committee with instructions to report further at an early date.³⁰ But there was a fear that the section would in this manner be changed; it seemed necessary to vote on it at once. To temporize was unwise. One member suggested that as there seemed to be some very important reason "that we do not want the public to know, I move that we go into secret session."³¹ Benjamin Byas, the negro member who was frequently on the floor, was convinced that "race and color" should remain, "and I will have them there if I am compelled to talk for three weeks."³² The situation grew tense; two members had a heated dispute; one reflected on the other's "dignity as a gentleman." The one who had been vilified appealed to the chairman, who ruled that the language was "enigmatical." The section was returned to the committee room.³³

It emerged substantially unchanged. Just before the report was taken up for further discussion, however, that section of the report of the committee which concerned the creation of a permanent public school fund came up for consideration. South Carolina had no such fund before the war. There was no reason for opposing the creation of a school fund, and the section passed with but little important discussion.³⁴

One of the last acts of the convention was to dispose of the section which had been returned to the committee.³⁵ The discussion was as heated as before. One member declared that the result of the passage of the section would be most damaging, and would prevent the white children from attending the schools, and he recommended that the whole matter be left to the legis-

³⁰ *Conv. Proc.*, p. 747.

³¹ *Ibid.*, p. 748.

³² *Ibid.*, p. 748.

³³ *Ibid.*

³⁴ *Ibid.*, p. 750.

³⁵ *Ibid.*, p. 748.

lature.³⁶ His speech had no effect. Until the very end of the convention this section formed a portion of the unfinished work. Chairman Cardozo began to sum up the arguments made against the section and each of them he undertook to answer in an effective manner. He was of the opinion that the best way to remove any prejudice from the minds of the people was to allow the children to "mingle in school together and associate generally." Separate schools could under the provision be established and separate schools would probably be established in places like Charleston. But "for ten or fifteen white children to demand such a separation would be absurd; and I hope the convention will give its consent to no such proposition."³⁷ This was the final word on the subject. Ninety-eight members voted for, and four against, the section; nineteen were absent.

The constitution was adopted by the people of the state, April 14, 15 and 16, 1868. Of the 133,597 voters registered, 70,758 voted for the constitution, 27,288 voted against it, and 35,551 failed to vote. The fourteenth amendment was ratified in July, and South Carolina was admitted to representation in Congress.³⁸

The state now had an elaborate constitutional provision for schools. As has been stated above, neither the original constitution nor its revisions made provision for education. The lack of such provision, however, had not materially interfered with antebellum progress. Now there was a new determination to enforce public schools for both races, and a creditable basis for educational progress had been made. The office of superintendent was created, to be filled by the qualified voters of the state. There was to be a board of education. The legislature was to establish and maintain as soon as practicable a liberal and uniform system of public schools, free and open to all the youths of the state; one or more such schools should be open six months in the year in each district. The legislature was to provide for the compulsory attendance of all children of school age; a property and capitation tax was provided for to support such schools. All the school money was to be distributed on

³⁶ Conv. Proc., p. 892.

³⁷ *Ibid.*, pp. 900, 901.

³⁸ Reynolds, *Reconstruction in South Carolina*, p. 93.

the basis of school attendance. Provision was also made for the establishment and maintenance of the state university, of an agricultural college, and of a normal school for teacher training. All such institutions should be open to all the youths of the state without regard to race or color. A permanent public school fund was also provided for.³⁹

The legislature met in special session July 6. The Senate was composed of 10 negroes and 21 whites; of the white members there were 6 conservatives. The House was composed of 124 members, 46 whites and 78 negroes, with only 14 conservatives. On joint ballot the negroes numbered 88 and the whites 67; and of the entire body, 135 were radicals and 20 were conservatives.⁴⁰ The entire legislature paid in taxes \$635.23; of this amount the conservatives paid \$203.84. No tax was paid by 91 of the radical members.⁴¹

The following day a message was read from the retiring governor, James L. Orr. He urged, among other things, the immediate establishment of a system of schools in accordance with the provisions of the new constitution.⁴² Incidentally, reference was made to the system of common schools prior to the war. The governor stated that the sums of money which had been expended by the legislature for the support of free schools in the state since 1811 "had placed it within the reach of every orphan and child of indigent parents to acquire a substantial English education; and if any citizen has grown up in ignorance, it has not been from any default on the part of the authorities of the state, but from the neglect of the parent or child."⁴³ He recommended the establishment of separate schools for the children of the two races, and was much displeased with that portion of the constitution which made mixed schools possible. He went so far as to pronounce the section which provided that all educational institutions supported by the public funds should be open to both races, an authority for making a most reckless experiment. "It was demanded," he declared, "by neither

³⁹ Constitution of 1868, Art. X.

⁴⁰ Reynolds, *Reconstruction in South Carolina*, pp. 107, 108.

⁴¹ *Ibid.*, p. 108.

⁴² Journals of Assembly, p. 13. Scott was not inaugurated until two days later.

⁴³ *Ibid.*, p. 43.

the colored or white race, and if submitted to their decision, the idea of mixed schools would have been overwhelmingly repudiated by both In the new relation between the two races there already exist causes enough for bickering and controversy, and the prudence of grown people is taxed to its tension to prevent disagreeable antagonisms. No greater cruelty could be inflicted by legislation upon parents of children of the two races than that which is contemplated by this objectionable feature of the constitution."⁴⁴

Scott was inaugurated July 9, and his message was read to the legislature the following day.⁴⁵ His recommendations on the subject of schools were: the creation of a permanent public school fund to relieve the people as much as possible of the burden of taxation; the establishment of "at least two schools in each school district, when necessary, and that one of such schools shall be set apart and designated as a school for colored children and the other for white children, the school fund to be distributed equally to each class in proportion to the number of children in each between the ages of six and sixteen years. I deem this separation of the two races in the public schools a matter of the greatest importance to all classes of our people."⁴⁶ Later he said: "Moreover, it is the declared design of the constitution that all classes of our people shall be educated, but not to provide for this separation of the two races will be to repel the masses of the whites from the educational training that they so much need, and virtually to give to our colored population the exclusive benefit of our public schools. Let us, therefore, recognize facts as they are and rely upon time and the elevating influence of popular education, to dispel any unjust prejudices that may exist among the two races of our fellow-citizens."⁴⁷ This seems to have been the sentiment, not only at this time but a few years later, of the leaders in the state.⁴⁸

The committee on education in the Senate was appointed July 8 and was composed of J. K. Jillson, R. M. Sims, B. F. Whittemore, H. E. Hayne, and W. B. Nash. Jillson had been

⁴⁴ Journals of Assembly, pp. 44, 45.

⁴⁵ *Ibid.*, pp. 55-72.

⁴⁶ *Ibid.*, pp. 61, 62.

⁴⁷ *Ibid.*, p. 62.

⁴⁸ Peabody Proc., Vol. I, pp. 405, 409, 411, 412.

prominent in the convention. Sims was a conservative, Whittemore was a carpet-bagger, and Hayne and Nash were negroes. All members of the committee had been in the convention.⁴⁹ The committee in the House was appointed July 14, and consisted of Reuben Tomlinson, and Charles Kuh, radicals; John Wilson, conservative; and Wilder, Lee, Johnson, and Johnston, negroes. Wilder, Johnson and Johnston had been members of the convention.⁵⁰ By August 11, the committees had submitted a report accompanied by a bill to provide for the temporary organization of the educational affairs of the state, which passed its readings in regular order without any significant discussion and was approved by the governor September 17.⁵¹ The act provided for a superintendent of education, to be elected as the other state officers were elected, to serve for four years.⁵² He was required to give bond, and his duties were defined in a general fashion. He was to receive a salary of \$2500 and traveling expenses. The act further provided for a school census, defined the duties of the county school commissioners, and provided in general for the temporary organization of the state department of education.⁵³

The regular session undertook but little work of an educational character. The act providing for the temporary organization of the school system, passed at the special session in September, 1868, was slightly amended. By the amendment all school accounts had to be approved by the state superintendent.⁵⁴ At the next regular session, however, beginning December, 1869, the first thorough school law was passed. The bill passed through both Houses with no exciting discussions, and was signed by the governor, February 16, 1870.⁵⁵

⁴⁹ Reynolds, *Reconstruction in South Carolina*, pp. 87, 106, 107; *Senate Jour.*, pp. 4, 14.

⁵⁰ *Ibid.*, pp. 107, 108; *House Jour.*, pp. 5, 6, 7, and 78.

⁵¹ *Senate Jour.*, pp. 154, 184, 242; *House Jour.*, pp. 195, 264, 300, 437.

⁵² *Acts and Resolutions 1868*, pp. 31, 32.

⁵³ *Ibid.*, pp. 22-24.

⁵⁴ *Acts of 1868-69*, p. 175.

⁵⁵ *Senate Jour.*, pp. 390, 398.

CHAPTER VI

THE SCHOOLS IN SOUTH CAROLINA FROM 1870 TO 1876

South Carolina now had, for the first time in her history, constitutional provisions for schools and a fairly thoroughgoing law which made provision for an adequate school system. A state board of education, consisting of 32 county commissioners and a superintendent of public instruction, took the place of the legislative committee on education of antebellum days. A text-book commission was provided to assist in the introduction of suitable and usable books, with an idea to uniformity. Books were to be furnished free to those children whose parents neglected or refused to provide books for use in the schools. A superintendent of public instruction was provided for and his duties defined. Before the war there had been no executive head of the free schools, though to provide for one was one of the reforms needed and recommended.¹ By the law of 1870, the superintendent was to be elected to serve for four years, to give bond, and his salary was fixed at \$2500 and traveling expenses. He was to make annual reports to the legislature, examine and certificate teachers, and have general supervision of the schools.

In each county there was to be a local school commissioner with duties similar to those of a county superintendent of schools to be elected by popular vote. His duties were to visit each school once during each term, to advise with the teachers, make reports to the state superintendent, and in other ways promote the cause of education. He was to see that the common branches of an English education were taught, together with "history of the United States, principles of the constitution and laws of the United States, and good behavior." His salary was fixed at \$1000 per annum and traveling expenses. "Two suitable and

¹ Senate Jour., 1850, pp. 16, 17; House Jour., 1850, p. 57.

discreet" persons were to be appointed by this commissioner to serve with himself as a county board of examiners. No teacher should be employed in any of the common schools without a certificate from this board or from the state superintendent. The law made provision also for local districts and local district trustees. There were to be three trustees in each district to be elected by the qualified voters thereof to serve for one year, and to have general control of local educational matters. The school year was defined; but the county school commissioner had "power to limit the school year according to the school fund appropriated to his county." Provision was also made for the schools in Charleston.²

A new school law was enacted March 6, 1871, which was practically a copy of the law of 1870, reorganized, recast and improved in diction.³ No significant changes are to be noticed in the new legislation.

The first report of the superintendent of public instruction was made in January, 1870. According to this report the school population was 168,819; of this number 100,711 were colored, and 68,108 white, children. There were 8163 colored and 8255 white children in school. There were reported 381 schools with 528 teachers. A variety of means was used to support these schools. In one case two schools for colored children were taught on the plantation of a "Southern Loyalist" and were "sustained by him." In another case a "Southern Loyalist supported a school for colored children."⁴ In some cases the schools were housed in churches, in private residences, or in private buildings. Some of the schools were supported by public patronage; in others the tuition was paid by "parents or guardians except for beneficiaries." In other cases support was expected "chiefly from the state," tuition money was "paid by pupils," the "teacher expects pay from the state," or the school was "supported by subscription from the neighborhood."⁵

There was expended by the state during 1869 the sum of \$39,023.81 for school support.⁶ Before the war nearly twice this

² Laws of 1869-70, No. 238.

³ Laws of 1870-71.

⁴ Reports and Resolutions 1869-70, pp. 423, 424.

⁵ Reports and Resolutions 1869-70.

⁶ Treasurer's Rept., p. 43.

amount had been spent annually for the support of white schools alone, and even this was supplemented in most cases by private funds. In addition to the various means already mentioned for continuing schools, many societies aided the work of education.⁷ Some of them were: Pennsylvania Association of the Freedmen's Bureau, American Missionary Association, Southern Educational Association of St. Louis, New England Freedmen's Aid Society of Boston, United States Direct Tax Commission, New England Freedmen's Union Mission, Presbyterian Committee of Home Missions of New York, The Protestant Episcopal Home Missionary Society, Methodist Episcopal Church. In many places the schools were defined as "self-supporting," supported by "private enterprise," or supported by "family."⁸ In some cases the house was "owned by neighbors." With all these agencies for education, however, there were obstacles which perplexed and harrassed the friends of the schools for many years.

Some of these difficulties were unavoidable. Lack of funds, indifference resulting from ignorance of the people, the deep prejudice against mixed schools, had delayed the opening of the schools under the temporary law of 1868. The superintendent pronounced these causes quite beyond his control. Yet, by the end of the school year in June, 1870, there had been a substantial increase in school attendance. Out of a school population of 197,179, of whom 114,983 were colored and 82,196 white children, about 30,000 were in school. There were 769 schools and 734 teachers, and of this number 630 schools were supported wholly or in part by the state.⁹ The Peabody Board was also aiding as many schools as possible.¹⁰

In certain places some progress was being made, though conditions were discouraging. The work of the Peabody Board was mainly in the towns. In Columbia, which had been very seriously injured by the war, there were 800 colored children and 679 of them were in school.¹¹ There were 900 white children in the town also, but only 250 were in school or receiving any in-

⁷ Rept. Supt. Pub. Inst., 1869.

⁸ *Ibid.*

⁹ *Ibid.*, 1870-71.

¹⁰ Peabody Proc., Vol. I, pp. 101 ff.

¹¹ *Ibid.*,

struction.¹² In Anderson the colored children had been well provided for, but half of the white children were neglected. Ex-Governor Orr and the mayor of the town undertook to raise \$600 for free schools, the Peabody Board agreeing to pay \$400. In Pendleton the children were greatly neglected and the poorer people were growing up in ignorance. The town authorities were charged with carelessness and indifference. Dr. Sears became interested in the town and arranged to provide instruction for 100 white and 100 colored children who were not in school, for one year.¹³ In the town of Walhalla nearly half of the 300 children, most of whom were white, were in school, and an effort was made to assist a project for free schools there so that all the children could attend. Half of the white children in Greenville were in school in 1868 and 1869, but the colored children were unprovided for. This was somewhat singular; for Greenville had been a town of considerable educational influence before the war. In 1868, through the influence of the mayor of the town, the sum of \$2500 was raised, to be increased by \$3500 from the Peabody Board, to organize and open at once a system of free schools. This was regarded as a most encouraging sign of interest on the part of the leading citizens of the town.¹⁴ In Abbeyville "the eminent men of the town manifested the liveliest interest in the subject" of education; and Dr. Sears was anxious to furnish two-fifths of the cost of systematizing the schools there and making them free.¹⁵

Charleston furnished an example of the uncertainty of affairs, educational and political, not only in South Carolina, but in the entire South. Mr. Sears had examined the educational interests of Charleston and consulted with the governor concerning them. The result was an offer of \$500 to the \$1000 already given by the Peabody Board for the purpose of making provision for 200 or 300 more children in the primary schools. The school board approved the offer and appeared enthusiastic, but it did not think that it was a favorable time for such action, because political affairs were so uncertain.¹⁶

¹² *Ibid.*

¹³ *Ibid.*, p. 102.

¹⁴ *Ibid.*

¹⁵ *Ibid.*, p. 103.

¹⁶ *Ibid.*

Schools and education were suffering in a number of ways. Although the constitution was clear on the subject of state support, providing for the entire capitation tax to be applied to education, the schools were in great need of funds. In addition to the capitation tax, the General Assembly was required to levy annually a small property tax for schools.¹⁷ The legislature, however, was very slow about the matter and it was not until 1873 that such a tax was levied.¹⁸ Until that time the sole state support of education was a capitation tax and annual legislative appropriations.

By these school appropriations the reconstruction régime has been credited with an extraordinary interest in popular education.¹⁹ The legislatures were indeed most liberal in making appropriations for schools; but the appropriations seem not to have been paid fully or even in large part. The situation in South Carolina will illustrate this apparent liberality and indifference. Beginning 1869, the following appropriations for schools, "in addition to the capitation tax," appear:

1869.....	\$ 50,000
1870.....	50,000
1871.....	190,000
1872.....	375,000
1873.....	300,000
1874.....	300,000
1875.....	240,000
1876.....	250,000
Total.....	<u>\$1,755,000</u>

For the same years the following sums were paid for free school support:

1869.....	\$ 39,023.81
1870.....	111,369.91
1871.....	164,485.66
1872.....	128,442.93
1873.....	361,101.37
1874.....	298,440.91
1875.....	321,752.70
1876.....	208,489.11
Total.....	<u>\$1,633,106.40</u>

¹⁷ Article X of the Constitution.

¹⁸ Laws of 1872-73, p. 410.

¹⁹ "One of the largest items in the budgets of reconstruction was for schools." Dunning, *Reconstruction Political and Economic*, p. 206.

Placing the taxable polls of the state from 1868 to 1876 at the conservative average of 150,000,²⁰ the sum of \$1,200,000 in capitation taxes should have been available for school support in addition to the appropriations from the legislature. Moreover, beginning 1873 a property tax of two mills on the dollar was also levied for school purposes. If the state school support for these years as represented by the reports of the treasurer came, as is probable, from the combined sources of capitation taxes and appropriations, the schools were entitled to receive fully \$1,321,000 more than they actually received.²¹ If the capitation taxes were not collected but the appropriations paid, the schools were entitled to receive as much as \$120,000 more than they received.²² If the capitation taxes were collected, then less than half a million dollars of the legislative appropriations was paid to the schools.²³ And if the property tax for schools be considered, the liberality of the legislature is at once less apparent.²⁴

²⁰ In 1870, 136,608 votes were cast for governor and 149,236 were cast in 1874, and many people refused to vote during these years. In 1872 it was said that as many as 40,000 refused to vote. House and Senate Journals; Annual Cyclo., 1870, p. 682; Reynolds, *Reconstruction in South Carolina*, pp. 93, 155, 226.

²¹ The capitation taxes plus the appropriations, less the amounts actually paid from the State Treasury.

²² The appropriations less the amounts actually paid by the State Treasury.

²³ The amounts actually paid by the State Treasury less the capitation taxes.

²⁴ The matter may be viewed from the following table:*

YEAR	APPROPRIATION	POLL TAX†	TOTAL	PAID FOR SCHOOLS	DEFICIT
1869	\$ 50,000	\$150,000	\$200,000	\$ 39,023.81	\$160,976.19
1870	50,000	150,000	200,000	111,369.91	88,630.09
1871	190,000	150,000	340,000	164,485.66	175,514.34
1872	375,000	150,000	525,000	128,442.93	396,557.07
1873	300,000	150,000	450,000	361,101.37	88,898.63
1874	300,000	150,000	450,000	298,440.91	151,559.09
1875	240,000	150,000	390,000	321,752.70	68,247.30
1876	250,000	150,000	400,000	208,489.11	191,510.08
Total,	\$1,755,000	\$1,200,000	\$2,955,00	\$1,633,106.40	\$1,321,893.60

* This does not take into account the property tax levy for schools; if this were counted the deficit would be larger.

† Poll tax approximated.

Whatever the conditions, there is much evidence that the legislature failed to make good its promises to support the schools. In December, 1873, no part of the appropriations of 1871 had been paid; not "one dollar of the state school appropriation of \$300,000" for 1872 had been paid, although \$1,044,000 was collected in taxes for that year. A large amount of the appropriation of 1873 was yet unpaid, even though a special property tax was levied to meet this promise. In 1874 only a little more than one-half of the assessed poll tax was available for school purposes, and in 1875 an enormous amount is exhibited as unpaid. The superintendent believed that "there was something rotten in Denmark."²⁵

Not only did the superintendent complain that the legislatures had acted in bad faith, but their unfulfilled promises had a most disastrous effect on education.²⁶ Nearly all the schools were closed in 1872 on account of the failure to pay the state funds. Public confidence had been betrayed; teachers could not obtain their present salaries on presentation of their certificates to the county treasurers, but were forced to dispose of their paper at "unreasonable and oppressive rates of discount to other parties who are doubtless either in collusion with or in the interest or employ of, sharks and shavers connected, directly or indirectly with the county treasury."²⁷

In addition to this lack of state support, there was constant complaint at the incompetency of teachers, negligence of the local school officials and the existence of what was defined as much "fraud and wrong."²⁸ "Our schools never will and never can become deservedly popular so long as the evil of employing so many incompetent, inefficient and worthless teachers" continues. The teachers were poorly prepared and resorted to their work "from motives of personal convenience, and, in many instances, from a consciousness of being unfit for anything else." The superintendent charged the county examiners with the existence of this condition.²⁹ "I have personal knowledge of in-

²⁵ Repts. Supt. Pub. Inst. 1873-75.

²⁶ *Ibid.*, 1873, p. 274.

²⁷ Rept. Supt. Pub. Inst. 1874, p. 77; see also Peabody Proc., Vol. I, pp. 248, 363, 364, 416, 417.

²⁸ *Ibid.*

²⁹ *Ibid.*, p. 78.

stances of where certificates of qualification have been given to persons whose ignorance was glaringly apparent to the most careless observer.”³⁰ The success of the schools was checked by this lack of qualified teachers, the unfitness of school officers, lack of genuine interest, as well as by lack of funds. The small salary which they had to accept, and the uncertainty of its final payment, explained the decrease of the better class of teachers;³¹ and the inefficiency of the majority of the schools was attributed to the employment of persons wholly unworthy to teach. The superintendent declared that the “mischief wrought by inferior teachers is incalculable.”

The presence, power, and influence of the negro in political, educational, and social affairs were other factors which complicated an already anomalous condition. Just how far the promoters of mixed school legislation expected it to reach is a matter of speculation; but that it did keep many white children from school is a certainty. The damaging influence of the mixed school policy can probably be shown in no better way than by the case of the state university, known before the war as the South Carolina College. This institution had a creditable career before 1860, and its influence was widely felt.³² As almost all the older educational institutions in the South, this college, chartered in 1801, was greatly crippled when the war closed. It was reopened, however, immediately after political conditions in the state began to adjust themselves. A radical change in the personnel of the board of trustees of the university in 1869, and the opening of the institution to blacks, in-

³⁰ “COUNTY SCHOOL COMMISSIONERS OFFICE.

“Richland County.

‘The foller ring name person are Rickermended to the Boarde for the Hower (Howard?) Schoole (Here follows a list of names) haveing Given fool sat es fact Shon in thi tow Last Years.

“The whit School” (Another list of names)

The following letter was written to a merchant in Columbia by a school trustee:

“Mr. Pleas give to the Barrow for mee Dick Kenenedy one plug of to Baco and a Bar of soape I am Bussy myself trying to get a Bale of Cooton to you or i would come.”

(Reynolds, *Reconstruction in South Carolina*, pp. 122, 123.)

³¹ Rept. Supt. Pub. Inst. 1875.

³² Merriweather, *History of Higher Education in South Carolina*.

creased the distrust of the white people of the state to such a degree that most of the white students left.³³ In 1873 when the state normal school was organized, it was decided to locate the school in one of the university buildings. The university professors were to lecture to the normal school students, and the university library was to be used by the normal school. Until this time, in spite of confusion, some good work was being done by the institution. However, a combination of circumstances led finally to closing it.

In October, 1873, Henry E. Hayne, a negro, who was secretary of state, entered the school of medicine. Two years before, he created such a sensation in going to the communion table of a mission church, along with the white members, that the mission was eventually suspended. When Hayne entered the university, three members of the faculty resigned. The trustees accepted their resignations, stating in a resolution that the admission of Hayne as a student caused the resignations. This being the "cause of these resignations this board cannot regret that a spirit so hostile to the welfare of our state, as well as to the dictates of justice and the claims of our common humanity, will no longer be represented in the university, which is the common property of all our citizens without distinction of race."³⁴ Other negroes entered the university at once; among them were several middle-aged men. A year later, State Treasurer Cardozo matriculated in the law school. Soon afterwards, nine-tenths of the entire student body, numbering about 200, were negroes. The requirements for admission had been very lax; little or no preparation was required for entrance to the school. In 1877 the institution closed, to open three years later as the College of Agriculture and Mechanical Arts.³⁵ The normal school was opened in September, 1873, and the larger portion of the students was negroes.

The first report of the principal of the normal school, made October 1, 1874, shows a scheme of study for the common schools of the state, in the preparation of which the principal explained that he had spent much time and thought, and had called to his

³³ *Ibid.*; Reynolds, *Reconstruction in South Carolina*, pp. 231 ff.

³⁴ Reynolds, *Reconstruction in South Carolina*, pp. 233, 234.

³⁵ Merriweather, *History of Higher Education in South Carolina*; Reynolds, *Reconstruction in South Carolina*, pp. 234-237.

aid all the suggestions he could get. How much the principal drew from his experience with the teachers in the normal school is uncertain, but that he found them a basis for the scheme he so heartily recommended to the teachers of the state is very evident. Certain quotations from his scheme speak for themselves and undoubtedly reveal a class of errors peculiarly racial.³⁶

It must be remembered that during these years the state was not under home rule, and there was little chance for native white leadership in any political or educational work. The legislature was composed largely of illiterate negroes, local political puppets, and corrupt men from beyond the state, and its policy was one of stolid opposition to the white leaders. Flagrant bribery schemes were common: political positions were bought and sold; extravagance created enormous debts. It is, therefore, not strange that these anomalous conditions reached the school system and made it "worse than a failure."

³⁶ "Grammar—Correction of Errors.

"The teacher should never allow an improperly constructed sentence to pass without correction. Of course no reason can, at this stage, be given for the corrections; the pupil must take it for granted that the teacher knows what is right. (The teacher cannot be too careful that he be right). A few of the more common classes of errors are noticed here once for all. Teachers . . . are referred to this page, and to their grammars for information on this subject.

"(1) The disagreement of the verb with the subject—as: I does for I do; I is for I am; I hopes, I thinks, I loves, etc., for I hope, I think, I love; he are for he is; he hope, think, love, eat, for he hopes, he thinks, loves, eats; he have come, have been, have done, for he has come, been, done; I has come, been, done, for I have; he has love, has work, has whisper, for he has loved, has worked, has whispered.

"(2) Faulty plurals—as: The mens are come; the mans are come; the boy are all gone, two girl were there, etc.

"(3) Faulty Possessives—as: Mr. Smith house; my mother shawl; my pa horse; Miss Miller book; Mr. Brown horse.

"(4) The Objective Case as Subject—as: Us girls are going; John and me are going; Who is going? John and him and me; Sarah and her and all them are going

"A few moments . . . may be taken daily, for correction of these mistakes in classes, especially in the higher grades . . . However discouraging this part of the teacher's work may be, it is his duty to faithfully begin and continue it. There is, there can be, no excuse for its neglect, even as to the youngest pupil."

(Report, Supt. Pub. Inst. 1874, pp. 110 ff.)

The school officers were, as a rule, unlettered, inexperienced, and incompetent men; the examining boards inefficient, and the teachers were not always men and women of proper reputation.³⁷

In spite of these general conditions, however, the state did have a very active and comparatively efficient head of its free school system. The ability with which Superintendent Jillson exacted from the majority of the local county school officials more or less perfect school statistics, and the force with which he used these facts to promote through legislation improvement in the schools, are not an uncomplimentary commentary on his effective work. Not infrequently did the recommendations incorporated in his annual report reveal themselves in laws, even though such laws were not always enforced. The act to prevent the shameful discount of teachers' salaries; the act to levy a property tax for free school support; the act to establish a normal school for the training of teachers, and the act to enforce the payment of the poll taxes, were recommended and insisted on in his reports, which were always full of suggestions and recommendations for school reforms. In 1875 his report is especially striking. He recommended to the General Assembly through the governor an act to secure prompt and complete payment of all unpaid balances of past appropriations to the schools. He felt sure that the state would not pay these amounts unless it were forced to do so in some such manner. He went a step further, even. In his opinion, an act should be passed at once to authorize the county treasurers to set aside and retain out of all the funds collected by them on account of the taxes, sufficient sums of money to cover the apportionment of the state school fund made to the counties. He also wanted to see a law passed which would deprive the counties of their apportionment from the state appropriation if they did not undertake by local taxation to help themselves. To do this, however, required a constitutional amendment or revision; but the urgency of the case was sufficient excuse for the recommendation. The defects of the constitution and the law did not escape his notice. From 1811, the method of appor-

³⁷ Rept. Supt. Pub. Inst. 1875; Reynolds, *Reconstruction in South Carolina*, pp. 218 ff.

tioning school funds had been very poor, based as it was on representation in the House of Representatives in the legislature rather than on actual school attendance. This defect was carried over to the system established in 1868, and was constantly attacked by the state superintendent.

A slight improvement in results appears in the annual reports of the superintendent from 1871 to 1876. The school population in 1871 was 206,610, of whom 123,063 were colored, and 83,547 white, children. Of this number, 33,834 colored, and 32,222 white, children were reported in 1639 schools in 460 districts taught by 1898 teachers, who were paid \$261,346.53. The total amount paid by the state for school support was \$136,504.42. It appears, therefore, that, just as before the war, the funds of the state were supplemented by private and neighborhood contributions. The following year 38,635 colored, and 37,687 white, children were in school. There were 1919 schools in 462 districts, taught by 2185 teachers, who were paid during that year \$268,091.67, of which amount the state paid \$128,443.93. In 1873, the total school population was 230,102; 145,127 of these were colored, and 84,975 white, children, of whom 46,938 colored, and 38,656 white, children were in school. There were 429 school districts, 2017 free schools and 2374 teachers. The returns from 29 of the 32 counties of the state placed the average school term at about five months. The sum of \$333,790.13 was paid for teachers' salaries; altogether the state expended for school support in this year the sum of \$361,101.37. In 1874, there were 44,470 white and 56,249 colored children in 2277 schools, taught by 2536 teachers for about five months. There were 2228 school houses, valued at \$274,803.44. Of this number only 595 were owned by the school districts. Teachers' salaries this year amounted to \$385,023.05, the state paying \$298,440.91.³⁸

In 1875, the sum of \$321,752.70 was spent by the state for free school support. The school population was 153,689 colored, and 85,566 white, children, and 63,415 colored, and 41,001 white, children were in 2580 schools, taught by 2855 teachers, who received \$369,685.21. The next year the state paid \$208,489.11 for the education of 70,802 colored, and 52,283 white,

³⁸ Repts. Supt. Pub. Inst. and Treasurer's Reports.

children in 2776 schools, taught by 3068 teachers. The average term was four and one half months. Teachers' salaries amounted to \$373,848.29.³⁹

We have already seen that the Peabody Board began its work in South Carolina early. There is probably no other force that lent itself so admirably to interest in local taxation throughout the entire Southern States; and the gradual growth of town and city high schools had its early impetus in the encouragement and stimulation that came from this source. A very fair and unpartisan view of general conditions may be seen from the annual reports of the General Agent, who was on the ground, had first-hand information, and enjoyed an extraordinary confidence of leaders everywhere. The public school system was undoubtedly the merest pretense during the first few years of the new régime. Few of the schools were altogether free, for the plan in vogue seems unquestionably to have been the payment, in the majority of instances, of the state appropriations to private schools or schools conducted by church and benevolent societies, for the purpose of reducing tuition charges. A comparison of the amounts paid teachers, as given in the annual reports of the superintendent, with the total support given the schools by the state, as seen in the reports of the treasurer, at once shows that a considerable portion of school support came from a variety of sources. But for some other support than that of the state the chronic complaint at the lack of funds for continuing schools would have been even worse. Comparatively speaking, the actual annual contributions of the Peabody Board to the work of schools in South Carolina were rather small, but no source of support was of more lasting value, because it helped to develop a wholesome attitude toward public education.

But for such an influence the whole story of the growth of public education in South Carolina would be different. The bankrupt condition of the state, the bad plight of the finances of the individual counties, the enormous increase in the state's indebtedness, the dominance in the legislatures of ignorant and illiterate field hands, the highhanded and impudent thievery, the extravagance and fraud—these things constitute a colossal

³⁹ Repts. Supt. Pub. Inst. and Treasurer's Reports.

reproach to the state, felt indeed in no end of ways. There was no basis for schools in such a condition. The collection of the poll tax was always loosely conducted, and, as a rule, only those who had taxable property were forced to pay. The entire negro population was, therefore, almost always exempted from payment of the poll tax. One could refuse to pay this tax with impunity, for the constitution had specifically declared that failure to pay it would not deprive one of the right of suffrage.⁴⁰ The constitutional provision for school support, in fact, appears less liberal and seems made in not so good faith when this fact alone appears.

Though its work began there early, the Peabody Board failed to receive at once the encouragement and coöperation it deserved. Conditions were not altogether favorable to the prosecution of its work. Some of the causes of this have already been indicated. The school law was not rigidly enough enforced, and the school funds were not sufficiently ample to produce good results. With the apportionment of the school money received each year by the various districts, it was impossible to maintain schools for more than a very brief period; and "the people are either unable or disinclined to make very strenuous efforts to prolong the public schools, or to open others of their own." Other reasons are found in the failure, in many cases, of the people to accept the conditions and methods of distribution adopted by the Peabody Board.⁴¹ A few schools, however, had been assisted and opportunities were constantly being sought to increase the donations.⁴² In 1871, Mr. Sears believed that conditions would soon improve and that his board would be justified in "contributing something towards the education of the people in other parts of the state."⁴³ Several towns and cities had already been aided, but the Peabody Board wished an opportunity to do more work there.⁴⁴ In 1872, the condition had not improved any. Unfaithfulness of the state officials in the use of the school funds, the incompetency and indifference of many of the school officers, were forcing the school

⁴⁰ Art. X, Sec. 5.

⁴¹ Peabody Proc., Vol. II, pp. 103, 104.

⁴² *Ibid.*

⁴³ *Ibid.*, Vol. I, p. 248.

⁴⁴ *Ibid.*

system into disrepute and destroying its usefulness in the beginning. The Peabody Board, therefore, could accomplish nothing important in connection with the schools of the state; only \$500 was contributed by the board to South Carolina in this year.⁴⁵ The following year, few schools were being supported and the Peabody Board had little opportunity to make many contributions. The sum of \$1800 was contributed by the Peabody Board to assist two schools in the state in 1873.⁴⁶ In 1874, Mr. Sears declared that the schools were so poorly managed and so badly supported that "no aid we can give will make them attractive to intelligent families." Only \$200 was contributed by the Board this year.⁴⁷ In 1875, Mr. Sears said "we can at present say but little" of South Carolina. "Until recently only a few applications for assistance have been made from that State. We are eagerly looking for such action on her part as will justify us in giving aid to a large number of schools; and measures have already been taken for that purpose, with good prospects of success."⁴⁸ In 1876, about \$5000 was contributed to eight schools, two of which were colored.⁴⁹

As late as 1877 the schools were reported as poorly taught and of short duration. Efforts were being made, however, by the superintendent and the friends of education to secure the passage of a better law, to protect the school funds, to secure more competent officers and teachers, and to improve the system generally. But the task was most difficult. Public confidence had been weakened by the failure of the state to make good its promises and by the unfitness and unfaithfulness of the school officers and the worthlessness of so many of the teachers. The Peabody Board fully expected that it would require a very long time to recover this lost confidence, and to get the school system properly reorganized.⁵⁰

A brief comparison of the schools established in 1811, with the system created during the reconstruction régime, may be in order here. Notable improvement in provisions for schools

⁴⁵ Peabody Proc., Vol. I, pp. 363, 364.

⁴⁶ *Ibid.*, pp. 416, 417.

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*, Vol. II, p. 13.

⁴⁹ *Ibid.*, p. 66.

⁵⁰ *Ibid.*, pp. 103, 104, 105.

at once appears in the constitution of 1868 and the law of 1870. Instead of no constitutional provision for schools before 1868, there is now a mandatory provision. For the first time, state supervision was provided for and the schools were to be open to all the children of the state. There is little advancement made in local supervision and control, however; local school commissioners were probably as efficient in 1860 as during the period of Reconstruction, and certainly more faithful and businesslike in the handling of school moneys.

A very decided step forward is seen also in school support. Until 1868, the schools were supported by annual legislative appropriations, which, though liberal, were not judiciously and equitably apportioned and the result was a waste of much money in an inefficient system. By the law of 1870, provision was made for school support by a system of uniform taxation.

A comparison of the results of the two systems is more difficult. Information concerning teachers' salaries and the length of school term is not found in the local commissioners' reports of the antebellum period. Though the schools of that period were nominally open to all the white children of the state, preference was given to the poor. The schools thus early sank into pauper institutions. At no time before 1868 does the enrollment seem to have exceeded 20,000 (See p. 63). The system created by the law of 1870, on the other hand, provided for both races. During the next six years the enrollment gradually increased until in 1876 there were 50,283 white, and 70,802 colored, children in schools continuing between four and five months.

The reconstruction period marks an educational advancement in South Carolina. This advance is clearly seen in regard to state supervision and in the matter of provision for school support. There appears little improvement, however, in local supervision. And though the schools during Reconstruction were of short duration, the enrollment was much larger than during antebellum days.

CHAPTER VII

COMPARISON OF SCHOOL LEGISLATION IN THE OTHER NINE SOUTHERN STATES BEFORE 1868 AND BETWEEN 1868 AND 1876; CONCLUSIONS

We have already seen that the constitution of 1868 of North Carolina was more thorough and mandatory in its provisions for education than the constitution of 1776. But the study of that state showed that provisions for negro education and for a uniform tax for school support were the only other elements that came from the carpetbag régime in that state. We saw, however, that the influence of that period in South Carolina was larger and more far-reaching than in North Carolina. A detailed study of educational provisions and educational conditions in the other nine Southern States before 1868 and during the reconstruction period has not here been attempted; but there follows below a comparison of legislation in these states which indicates the essential provisions for education during the two periods. This comparison supplements the study of North Carolina and South Carolina and furnishes additional means for determining the influence of the period of Reconstruction on Southern education.

The following table gives the essential features of educational legislation in the other nine seceding states during the two periods mentioned above. The left-hand column shows the various provisions of the school laws before 1868, the year in which the Congressional Plan of Reconstruction began. The right-hand column gives the provisions of the school legislation enacted between 1868 and 1876, the period covered by the Congressional Plan of Reconstruction.

ALABAMA¹

Up to 1868

1. Fund.*
2. State superintendent.
3. County officials.
4. Local officials.
5. Examination of teachers.
6. School statistics.
7. Local tax allowed for houses and apparatus.
8. For whites only.
9. Support: fund, tuition fees.

Between 1868 and 1876

1. Fund.
2. State board and superintendent.
3. County officials.
4. Local officials.
5. Examination of teachers.
6. School statistics.
7. County and local taxation.
8. For whites and blacks.
9. Support: fund, poll tax, one-fifth aggregate annual revenue of the State, and special taxation permitted.
10. Definite school term prescribed.
11. Normal schools.

ARKANSAS²

1. Fund.
2. State board and superintendent.
3. County officials.
4. Local officials.
5. Examination of teachers.
6. School statistics.
7. For whites only.
8. Four months' term prescribed.
9. Support: fund, property tax.

1. Fund.
2. State board and superintendent.
3. County officials.
4. Local officials.
5. Examination of teachers.
6. School statistics.
7. For whites and blacks.
8. Three months' term prescribed.
9. Support: fund, poll tax, property tax.
10. Institutes.
11. Compulsory attendance attempted.

FLORIDA³

1. Fund.
2. State superintendent.
3. County officials.

1. Fund.
2. State board and superintendent.
3. County officials.

* Explanation: The word "fund" in this column means that a school fund had been provided for and established. "State superintendent," "State Board and Superintendent," "examination of teachers," and "school statistics," mean that these features of the school system were provided for in the laws.

¹ Constitutions of 1819, 1845; laws of 1828, 1854; Revised Code of 1867; Constitution of 1868; legislative documents and official reports.

² Constitutions of 1836, 1868; laws of 1843, 1845, 1866-67, 1868, 1872-76; legislative documents and official reports.

³ Constitutions of 1845, 1868; laws of 1840, 1844, 1845, 1851, 1853, 1868-1876; legislative documents and official reports.

- | | |
|------------------------------------|--------------------------------------|
| 4. Local officials. | 4. Local officials. |
| 5. Examination of teachers. | 5. Examination of teachers. |
| 6. School statistics. | 6. School statistics. |
| 7. For whites only. | 7. For whites and blacks. |
| 8. Normal schools. | 8. Normal schools. |
| 9. County taxation permitted. | 9. County taxation required. |
| 10. Support: fund, permissive tax. | 10. Support: fund, property tax. |
| | 11. Definite school term prescribed. |
| | 12. Institutes. |

GEORGIA⁴

- | | |
|---|--|
| 1. Fund. | 1. Fund. |
| 2. State superintendent. | 2. State board and superintendent. |
| 3. County officials. | 3. County officials. |
| 4. Local officials. | 4. Local officials. |
| 5. Examination of teachers. | 5. Examination of teachers. |
| 6. School statistics. | 6. School statistics. |
| 7. For whites only. | 7. For whites and blacks. |
| 8. Support: fund, local county tax, appropriations. | 8. Support: fund, poll tax, local tax. |
| 9. Moving schools. | 9. Moving schools. |
| | 10. Definite school term. |

LOUISIANA⁵

- | | |
|---------------------------------|--|
| 1. Fund. | 1. Fund. |
| 2. State superintendent. | 2. State board and superintendent. |
| 3. County officials. | 3. County officials. |
| 4. Local officials. | 4. Local officials. |
| 5. Examination of teachers. | 5. Examination of teachers. |
| 6. School statistics. | 6. School statistics. |
| 7. For whites only. | 7. For whites and blacks. |
| 8. Normal schools. | 8. Normal schools. |
| 9. Support: fund, property tax. | 9. Support: fund, poll tax and property tax. |
| | 10. Institutes. |
| | 11. Definite school term. |
| | 12. Separate schools forbidden. |

⁴ Constitutions of 1777, 1798, 1868; laws of 1858, 1859, 1866, 1870-1876; legislative documents and official reports; Peabody Proc., Vol. II. The act of 1866 did not go into effect, the state government being overturned by the scheme of Congressional Reconstruction.

⁵ Constitutions of 1845, 1852, 1868; laws of 1845, 1868, 1869-1876; Revised Code of 1856; legislative documents and official reports; Peabody Proc., Vol. II.

MISSISSIPPI⁶

- | | |
|---|---|
| 1. Fund. | 1. Fund. |
| 2. State superintendent. | 2. State board and superintendent. |
| 3. County officials. | 3. County officials. |
| 4. Local officials. | 4. Local officials. |
| 5. Examination of teachers. | 5. Examination of teachers. |
| 6. School statistics. | 6. School statistics. |
| 7. For whites only. | 7. For whites and blacks. |
| 8. Support: fund, permissive local tax. | 8. Support: fund, poll tax, property tax. |
| | 9. Definite school term. |
| | 10. Institutes. |

TENNESSEE⁷

- | | |
|---|---|
| 1. Fund. | 1. Fund. |
| 2. State superintendent. | 2. State board and superintendent. |
| 3. County officials. | 3. County officials. |
| 4. Local officials. | 4. Local officials. |
| 5. Examination of teachers. | 5. Examination of teachers. |
| 6. School statistics. | 6. School statistics. |
| 7. For whites only.† | 7. For whites and blacks. |
| 8. Definite school term. | 8. Definite school term. |
| 9. Support: fund, capitation tax, property tax and appropriations.‡ | 9. Support: fund, poll tax, county tax, property tax, special tax in incorporated towns and cities. |

TEXAS⁸

- | | |
|------------------------------------|------------------------------------|
| 1. Fund. | 1. Fund. |
| 2. State board and superintendent. | 2. State board and superintendent. |
| 3. County officials. | 3. County officials. |
| 4. Local officials. | 4. Local officials. |
| 5. Examination of teachers. | 5. Examination of teachers. |
| 6. School statistics. | 6. School statistics. |
| 7. For whites only. | 7. For whites and blacks. |

† Provision was made in 1867 for negro education, however,

‡ A local tax was permitted to continue the schools five months.

⁶ Constitutions of 1817, 1869; laws of 1821, 1833, 1836, 1837, 1842, 1846; Revised Code of 1848 and of 1871; legislative documents and official reports.

⁷ Constitutions of 1796, 1835, 1870; laws of 1838, 1867-1870, 1871-1876; Revised Code of 1858; Legislative documents and official reports; Peabody Proc., Vol. II.

⁸ Constitutions of 1845, 1869; laws of 1854, 1866, 1870, 1871, 1873; Digest of 1850; legislative documents and official reports.

- | | |
|---|--|
| 8. Support: fund, and one-tenth of the annual revenue of the state. | 8. Support: fund, poll tax, one-fourth annual revenue of the state, local tax. |
| | 9. Definite school term. |
| | 10. Compulsory attendance attempted. |

VIRGINIA⁹

- | | |
|---|---|
| 1. Fund. | 1. Fund. |
| 2. State Literary Board. § | 2. State board and superintendent |
| 3. County officials. | 3. County officials. |
| 4. Local officials. | 4. Local officials. |
| 5. Examination of teachers. | 5. Examination of teachers. |
| 6. School statistics. | 6. School statistics. |
| 7. For whites only. | 7. For whites and blacks. |
| 8. Support: fund, capitation tax, local tax (permissive). | 8. Support: fund, capitation tax, property tax, local tax. |
| | 9. Normal schools. |
| | 10. Children whose father failed to pay the poll tax could not attend the schools, unless the father were a pauper or dead. |

The detailed study of North Carolina and South Carolina, and the facts discovered in the above comparison, make it evident that Southern ante-reconstruction educational conditions were more nearly similar to educational conditions found in other sections of the nation than is generally supposed. This is seen along at least three lines: in provisions for general administrative organization, in provisions for support, and, to a large extent, in results, so far as results may be ascertained. It has already been pointed out, however, in the case of North Carolina and particularly in South Carolina, that the reconstruction constitutional provisions for education in these states were superior to the provisions before that time. This is true of practically all the Southern States. Reconstruction constitutional provisions for education were more mandatory and thorough than the provisions before 1868.

Provisions for administrative organization in these states are very similar to provisions in other sections of the country.

§ The secretary of the Literary Board acted as superintendent of schools. He was known as the Second Auditor.

⁹ Constitutions of 1851, 1864; Acts of 1797, 1810, 1818, 1846, 1870-1876; Revised Code of 1849, 1860.

All the Southern States except South Carolina had created before 1868 creditable permanent public school funds, the proceeds of which formed the basis of early support of elementary education. All the Southern States except South Carolina and Virginia had legal provision for state supervision by a superintendent or commissioner.¹⁰ Provision for a state board of education was practically universal in these states, and such a board existed in the form of a school fund board, the literary board, or as a regularly constituted board of education.¹¹ County superintendents, or boards of county school commissioners, were provided for in all the Southern States; and provision for local school trustees or directors was invariably made. Some form of examination and certification of teachers was required, and the school officials were required to report the school census and other local school statistics. As a rule, definite school terms were not prescribed, although Arkansas, as early as 1843, made four months the legal term, and in Tennessee, in 1867, a five months' term was prescribed. We saw that in the case of North Carolina, although no term was prescribed during the antebellum period, the schools were continued longer in 1860 than at any time during the reconstruction régime, and that the term as late as 1900 was shorter than it was in 1860.

The method of school support varied with the states.¹² As a rule, the school funds formed the basis of support. In some

¹⁰ The creation of the office of superintendent in other states was about as follows: New York, 1813; Massachusetts, 1837; Ohio, 1837; New Jersey, 1845; Maine, 1846; Wisconsin, 1849; Indiana, 1852; Illinois, 1854; Minnesota, 1858; Kansas, 1859. From 1821 to 1854 this office in New York was merged into that of the secretary of state. This seems to have been a popular custom in Wisconsin, Ohio, Pennsylvania, Vermont, and Virginia. Although Virginia had no specific legal provision for a superintendent, the Second Auditor performed the duties of the superintendent of schools and his duties seem to have been largely educational. See Boone, *History of Education in the United States*, pp. 101 ff.; Dexter, *History of Education in the United States*, pp. 199 ff.

¹¹ North Carolina seems to have been the first state to organize a state board of education. See Boone, p. 108.

¹² The income from the school fund in Massachusetts, Rhode Island, and Pennsylvania was apportioned in practically the same manner as in North Carolina. See Mass. Rev. Statutes, 1860, Chap. 36, Sec. 3; Rhode Island Rev. Statutes, 1857, Title XIII; Wickersham, *History of Education in Pennsylvania*.

cases, however, the proceeds of the public school funds were supplemented by tuition fees; in others, the public funds were combined with private support, and in still others, there was a combination of the funds with a local tax. Arkansas, Tennessee, and Louisiana¹³ supplemented their funds with a small property tax; Georgia had a certain form of county taxation and made large legislative appropriations for school support in addition to the income from the school fund. State support of schools in South Carolina, as we saw in the study of that state, consisted entirely of legislative appropriations; a representative example of a combination of public and private funds is seen in that state also. Alabama, in addition to the proceeds from the school fund, allowed a local tax for school houses and school apparatus. To the income from the school fund in Texas, one-tenth of the annual revenue of that state was added for school support. Virginia had a capitation tax for schools and a small permissive local tax to supplement the income from a large school fund. A local tax was required in North Carolina before a community could receive any assistance from the school fund. We saw that not only was this method not ill adapted to the state, but that the promptness with which it was adopted proved its popularity. We further saw that it stimulated local initiative and created a sentiment in favor of an increase in local taxation. Tennessee required, in addition to the income from the school fund, a small capitation tax for school support; the legislature of that state also made appropriations for the support of schools. The school fund in Florida formed practically all the support for elementary education. The same may be said of Mississippi, although in that state a small tax was permitted.¹⁴

¹³ Just before the opening of the war, Louisiana was appropriating \$300,000 annually for the support of schools. See La. Rept. Supt. Pub. Inst. 1860.

¹⁴ Early legislation in New York was framed on the belief that the state school fund income and a tax equal to one-half of such an income were sufficient for educational purposes. Provision for any deficiency in the funds, after the schools had continued a certain term, was made by collecting from the patrons of the school in proportion to the attendance of their children, a custom which gave rise to the so-called "rate-bills,"—a tax levied on parents in proportion to the number of days their children were in school. This system lasted in New York until 1867. See Draper, *Origin and Development of New York Common School System*, pp. 20 ff.

Even in respect to educational sentiment and educational results conditions do not appear very different in the Southern States from those found elsewhere. A study of the messages of the governors and of the recommendations incorporated in the annual reports of the superintendents of public education suffices to substantiate this statement. The governors throughout the country invariably urged progressive educational policies, pointing out in a general way the weaknesses of the school systems. In their tone, the message of an Eastern governor is similar to that of a Western or Southern governor. The same thing is seen in the reports of the superintendents. They regularly registered complaints against lax methods in local administration, incomplete school reports, inefficient forms of examination and certification of teachers, inadequate state support of schools, irregular attendance, and the poor salaries of teachers.¹⁵ These conditions seem to have been peculiar to no section of the country.¹⁶

The idea of popular education developed very slowly in all the states outside New England. Opposition to the public school was more or less widespread and was not confined to any section of the country. The so-called "agitation period" in North Carolina is almost exactly paralleled in Pennsylvania.¹⁷

¹⁵ This fact is abundantly illustrated in the legislative documents of almost all the states as late as 1860.

¹⁶ In Pennsylvania, in 1848, 200 out of 1330 districts refused to put schools in operation; and as late as 1868 there were 23 districts in that state which had no common schools. In Illinois, in 1860, there were 8956 public school districts and 734 had no schools at all. In New Jersey, in 1860, there were 17 cities and townships in which no school tax was collected. In Connecticut, in 1859, only 252 of the 1624 districts assessed a property tax for schools; in 691 districts a "rate bill" was assessed, and in 50 districts no legal school was kept. See Wickersham, *History of Education in Pennsylvania*, p. 369; *Rept. Supt. Pub. Inst. of Ill. 1860*; of *New Jersey, 1860*; of *Connecticut, 1860*.

¹⁷ The famous Stevens speech in the Pennsylvania legislature in 1835 is worthy of note here. It was said that some members of the House of Representatives owed their election to their opposition to general education, and that others lost their election by favoring schools, and by favoring the school law of 1834, Governor Wolf was defeated at the ensuing election. "Party and even church ties were for a time broken, the rich arrayed themselves against the poor, and the business and social relations of whole neighborhoods were greatly disturbed." Out of 51 counties, 38 petitioned the Legislature to repeal the school law of 1834. It was in defense of the school system that Stevens made his speech. See Wickersham.

Early school legislation was by the nature of the case more or less permissive and discretionary and necessarily passed through an experimental state. The pioneer school law of an advanced state like Ohio gave an option to the electors which largely defeated its purpose.¹⁸ The same thing may be said of Pennsylvania until the late fifties. Not only was the Pennsylvania law discretionary, but an analysis of the reasons for opposition to it shows the prevalence of a strong "aristocratic notion." The argument that men were not equal was frequently urged in that state and the effect of such argument was widely felt. Local option was the principle on which public schools were established, and a district had to levy and collect a local tax before it could receive the appropriation from the state for school support. Many districts gave the school system a trial, rejected it, or voted it "up and down several times with unaccountable capriciousness."¹⁹

The length of school term, teachers' salaries, and school enrollment, so far as these things may be ascertained, show that conditions in the Southern States were quite similar to conditions elsewhere. We have already seen that at the outbreak of the war, the schools in North Carolina were continued four months each year, a term which was not reached after the war until 1900. In 1859, the school term in Virginia was about the same length.²⁰ Teachers' salaries in North Carolina averaged \$28 per month in 1859 and \$26 in 1860, and in Virginia at that time the average monthly salary was about \$25. The school population in North Carolina in 1860 was about 186,000, and there were enrolled in the schools the same year about 108,000 children. In Georgia, in 1856, the school population was about 156,000, and there was an enrollment of 77,015.²¹

¹⁸ See White, *History of Education in Ohio for Fifty Years*.

¹⁹ Pub. Doc. 7, 1859.

²⁰ House Jour. Jan. 29, 1859.

²¹ In New Jersey in 1860, the school population was 192,075 and 126,331 children were in school; the average term was about nine months. Male teachers received about \$43.33 and female teachers about \$25.55 per month. In Indiana in 1859 the school population was 495,019, and 267,515 children were in schools the average term of which was nearly four months (77 days to be exact). Male teachers received \$22.60, and female teachers \$17.20. In Pennsylvania in 1860 the school population was 596,765, and 384,752 children were in schools continued about five months and seven days. Male

These facts, then, show only a slight influence of the Reconstruction or "carpetbag" régime on Southern education. It is clear that the direct influence of the period was much less than is popularly supposed. However, specific and mandatory provisions for education were introduced into the constitutions at this time. Besides this, two other provisions also appear in the educational legislation of Reconstruction that are not found in ante-reconstruction legislation: first, provision for negro education; and second, provision for a uniform system of taxation for school support.

A discussion of the first provision is not necessary. The beginnings of negro education came naturally as a result of the changed political status of the freedmen and became at least nominally effective in all sections of the county alike and at the same time.²²

As for the second provision, changes in the method of school support were not peculiar to the South alone. The belief of the North (see introduction) that Southern educational ideals lay at the root of the war had much to do with the development of Northern school systems and the expansion of educational statutes after 1865. There was a popular feeling everywhere that nothing must now be left to the hostility and indifference of legislative bodies. This feeling was shared by leaders in the South between the close of the war and the beginnings of the Congressional Plan of Reconstruction. During the confusion of these years, there is a marked interest in improved provisions for education in several of the Southern States, which were expecting to be restored to the national govern-

teachers received \$25.68 and female teachers \$19.71 per month. Male teachers' salaries in Illinois in 1860 averaged \$28.82 and female teachers' salaries averaged \$18.80 per month. In Connecticut in 1859 the school population was 105,464, and 75,692 children were in school. Male teachers' salaries averaged \$30.05, including board and female teachers' salaries averaged \$16.59 per month including board. See the reports of the superintendents of public instruction of these states for these years.

²² It is not generally known that states north of the Mason and Dixon's line made any educational distinction between the children of the two races before the war. See, however, Act of March 5, 1855, and Act of May 13, 1869, of the laws of Indiana; also *Lewis v. Henly*, 2 Ind. 332; *Polke v. Harper*, 5 Ind. 241, and the Laws of Ohio for 1853 for provisions for the education of the negro.

ment in accordance with the Reconstruction Plan of President Johnson. And the evidence seems on the whole to indicate that had there been no outside interference, practically the same educational policies would have been outlined as were made by the reconstruction régime.²³

²³ See Fleming, *Documentary History of Reconstruction*, Vol. II, Chap. IX, and *Civil War and Reconstruction*, by the same author. See also Garner, *Reconstruction in Mississippi*, pp. 354 ff.

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